

**Western Area Power Administration
Request for Proposals
Regarding the Purchase of Renewable Energy Certificates
February 2021**

1. **BACKGROUND:** The United States of America, acting by and through the Western Area Power Administration (WAPA), a power marketing administration within the U.S. Department of Energy (DOE), desires to purchase Renewable Energy Certificates (RECs) under this Request for Proposals (RFP). The Sierra Nevada Region (SNR) is the contracting office on behalf of WAPA. The purchase, made by WAPA on behalf of the Federal agencies as identified in this RFP, is pursuant to the Economy Act, 31 U.S.C. §1535; the Acts of Congress approved June 17, 1902 (32 Stat. 388); August 4, 1939 (53 Stat. 1187); August 4, 1977 (91 Stat. 565); and Acts amendatory or supplementary to the foregoing Acts. This proposed acquisition is not subject to the Federal Acquisition Regulation. WAPA encourages small and minority-owned businesses and Native American Tribes to apply.

WAPA is purchasing RECs on behalf of The Presidio Trust, DOE Office of Science, Berkeley Site Office, and itself; together referred to as Federal Agencies. REC amounts are set forth in Attachment 1.

Timing: Proposals submitted in response to this RFP must be received via Email to WAPA on or before March 12, 2021, at 4:30 p.m. PPT to be considered for evaluation. WAPA reserves the right to not consider any proposals received after the prescribed dates and time.

2. **DEFINITIONS:** The definitions of certain terms used in this RFP are as follows:
- 2.1 **Emissions & Generation Resource Integrated Database (eGRID):** A comprehensive source of data on the environmental characteristics of almost all electric power generated in the United States. eGRID is unique because it links air emissions data with electric generation data for power plants in the United States. Annual non-baseload output emission rates can be used to estimate GHG emissions reductions attributable to a REC buy.
 - 2.2 **Fiscal Year (FY):** Is defined as October 1 through September 30. FY and Contract FY are used interchangeably in this solicitation.
 - 2.3 **Generator:** The entity having ownership of the renewable generation producing the RECs. The Generator may also be the Offeror/Supplier.
 - 2.4 **Offeror:** The entity or person submitting a proposal under this RFP.

- 2.5 Renewable Electric Energy (REE):** As defined in Executive Order 13834 means energy produced by solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, municipal solid waste, or new hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project.
- 2.6 Renewable Energy Certificate (REC):** A REC represents the technology and environmental (non-energy) attributes that represent proof that 1 megawatt-hour (MWh) of electricity was generated from an eligible REE resource (as described in Section 2.5 above) that can be sold separately from the underlying generic electricity with which they are associated, and were produced by sources of REE placed into service within 10 years prior to the start of the fiscal year. For purposes of this solicitation, a qualifying REC is one where none of the environmental attributes have been separately sold, given, or otherwise transferred to another party *by a deliberate act of the Certificate owner*. One REC is issued for each MWh unit of REE produced. The electricity that was split from the REC is no longer considered "renewable" and it cannot be counted as renewable or zero-emissions by whoever buys it.
- 2.7 REC Certification:** Green-e certification or the equivalent.
- 2.8 REC Contract:** The contract that will be executed between WAPA and the Supplier to formally contract for the purchase of RECs.
- 2.9 REC Request for Proposals (RFP):** A solicitation that requests proposals in response to a government effort to acquire RECs.
- 2.10 REC Vintage:** RECs provided for use in a given Fiscal Year must meet REC "vintage" requirements, i.e., the energy they represent must be generated during the same defined contract year. They also may be generated six (6) months immediately preceding each Fiscal Year of the period of performance (i.e., April 1 – September 30), or three (3) months immediately following each contract year of the period of performance (i.e., October 1 – December 31).
- 2.11 Supplier:** The successful Offeror that contracts with WAPA for the sale of RECs under this RFP.
- 2.12 Tribal Majority-Owned Business Organizations:** An energy and resource production enterprise, partnership, consortium, corporation or other type of business organization in which the majority of the interest is owned and controlled by one or more Indian Tribes 25 U.S.C. §3502(d)(1).

3. STATEMENT OF WORK AND SPECIFICATIONS

- 3.1 REC Acquisition Requirements:** WAPA is requesting a firm fixed, per-REC unit price proposal for the transfer of RECs in FY 2021. Attachment 1 to this RFP outlines the amount of RECs WAPA seeks to acquire.
- 3.2 Proposal Criteria:** WAPA will consider proposals that offer to supply the Bid Line Items for the RECs as set forth in Attachment 1.
- 3.2.1 The RECs to be purchased shall meet, at a minimum, the RE and REC definitions and qualifications as stated in Sections 2.5 and 2.6 and considerations for each REC Bid Line Item as specified in Attachment 1.
- 3.2.2 All RECs to be provided under this acquisition must be generated within the United States and shall contain all original environmental attributes as defined in Section 2.6 above.
- 3.2.3 All RECs must meet the REC Vintage definition as specified in Section 2.10 above.
- 3.3 Start Date:** The start date for the RECs contract period is June 1, 2021.
- 3.4 REC Certification:** Green-e certification that the RECs provided were not marketed, sold, or transferred to any entity other than WAPA, or presented as a component of the Generator's energy products or claimed by any other party. Certification method is subject to the approval of WAPA prior to the REC Contract award.
- 3.4.1 The Supplier shall forward the Green-e certification documentation to WAPA and note any contract deficiencies, along with the proposed remedy and timeframe for correction.
- 3.5 Transfer of REC Title:** The Supplier will transfer the applicable RECs to WAPA pursuant to a REC Contract and will be represented by a certificate, hereinafter called a Certificate of Transfer. A Certificate of Transfer (see Attachment 2) will be provided to WAPA by the Supplier following the schedule in the REC Contract.
- 3.5.1 All REC transfers to WAPA, in the annual amount and type, must be completed by the date specified in the REC Contract.
- 3.5.2 WAPA reserves the right to unilaterally terminate the REC Contract, without penalty or obligation to the Supplier, for the Supplier's failure to deliver RECs in the amounts, types, and timeframe as described in the REC Contract.

- 3.6 Invoice and Payment:** All invoicing shall be based on the actual annual quantity of RECs purchased by and transferred to WAPA pursuant to the REC Contract. The RECs invoiced under the REC Contract must be generated in accordance with the criteria set forth in Section 3.2 and meet the requirements of Section 3.4. The Supplier will only be permitted to invoice for charges allowed under the terms and conditions of the REC Contract. The invoicing address will be specified therein. All invoices must be accompanied by a fully completed Certificate of Transfer.
- 3.7 Additional REC Amounts:** WAPA may request to contract for the transfer of additional REC amounts for some or all Federal Agencies. WAPA shall provide the Supplier with the additionally desired REC amounts. WAPA and the Supplier shall mutually agree whether to extend the full terms and conditions of the REC Contract to cover the proposed additional purchase through modification to the contract.
- 4. RFP SUBMISSION REQUIREMENTS:** Offerors must fully address each of the following submission requirements to be considered for this solicitation:
- 4.1 Contact Information:** Offerors must provide: company name, contact person, physical mailing address, phone number, fax number, and e-mail address.
- 4.2 Renewable Energy Facilities and REC Amounts:** Offerors must provide the following information: (1) the Bid Line Items for which a proposal is made; and (2) the name(s) and location(s) of the generating facility(s) from which the RECs originate, including physical address and zip code; the original operational date of the generator(s) producing the RECs; the annual amount of RECs offered from the proposed generator(s).
- 4.3 Cost:** Offerors must specify the firm fixed, per-REC unit price for the offered RECs for the Fiscal Year as identified in Attachment 1.
- 4.4 Certification Plan:** Offerors must provide details of their certification plan that meets the requirements in Section 3.4.
- 4.5 Past Performance:** Documentation must be submitted describing relevant past experience and performance regarding the sale and transfer of RECs. Past performance may include Federal and non-Federal customer references. The Offeror must provide current contact information for all past performance references provided. The Offeror agrees to permit WAPA's representatives to contact the listed references and inquire about the Offeror's past performance. Failure to provide past performance documentation may result in exclusion from further

evaluation/ consideration. Offerors with no past performance due to recent business establishment/incorporation must provide supporting documentation verifying the recent business establishment/incorporation.

- 4.6 Creditworthiness:** Offeror must submit documentation of its creditworthiness and a statement of how it intends to meet WAPA's creditworthiness requirements. WAPA's standard creditworthiness process includes: data collection (both quantitative and qualitative); credit evaluation, credit score determination, and overall determination of creditworthiness. The Offeror will be required to provide information as requested by WAPA, including a credit application. WAPA may review the Offeror credit rating at any time during the term of the RECs Contract.

5. EVALUATION CRITERIA

- 5.1 Best Value:** Utilizing the flexibility allowed under WAPA's power marketing authority, WAPA intends to award a REC Contract to the Offeror that WAPA considers as providing the best overall value and that otherwise meets the terms of this RFP.

5.1.1 Past Performance: The past performance, if any, of each Offeror shall be considered in evaluating which qualified proposals provide the best overall value. Offerors with no past performance may receive a neutral past performance assessment.

5.1.2 Price: Firm, fixed, per-REC unit price shall be considered in evaluating which qualified proposals provide the best overall value.

5.1.3 Location: The location(s) of the generating facility(s) from which the RECs originate may be utilized in determining best value because the zip code is used to determine the eGRID region and the greenhouse gas emission reductions associated with the REC purchase.

5.1.4 Creditworthiness: For the purpose of determining the ability of Offeror to meet its obligations, WAPA will apply credit review procedures to evaluate Offeror's credit risk in accordance with WAPA's standard credit requirements. WAPA may require Supplier to provide and maintain necessary credit or guarantees to maintain financial assurance(s) to meet its responsibilities and obligations during the term of the Contract.

- 5.2 Preference to Tribal Majority-Owned Business Organizations:** Pursuant to Section 2602 of the Energy Policy Act of 2005 (EPAAct 2005) (codified at 25 USC 3502(d)), WAPA supports DOE's preference for tribal renewable energy and efforts to promote tribal renewable energy

development. Using the Best Value approach, should a REC Offeror who is a Tribal Majority-Owned Business Organization provide a proposal of equal or better value to any other REC Offeror (taking into account the double bonus for RECs from renewable projects on tribal land), WAPA will give priority to the Tribal Majority-Owned Business Organization.

5.3 Double Bonus: In accordance with EPOA 2005, Section 203 (codified at 42 U.S.C. 15852(c)), RECs generated on Tribal or Federal land will be evaluated as counting double towards Federal compliance with the renewable goal outlined in the statute.

5.4 Submission Requirements: A proposal will be considered for evaluation if it complies with the submission requirements set forth under Section 4. WAPA reserves the right to seek additional information for, or clarification of, an individual proposal as needed without notification to all Offerors.

6. REQUIRED FEDERAL CONTRACT PROVISIONS:

6.1 Contingent on Appropriations: Where activities provided for in the REC Contract extend beyond an individual FY, continued expenditures by the United States are contingent upon Congress making the necessary appropriations required for the continued performance of the United States' obligations under the REC Contract. In case such appropriation is not made, the Supplier hereby releases the United States from its contractual obligations and from all liability due to failure of Congress to make such appropriation.

6.2 Covenant Against Contingent Fees: The Supplier warrants that no person or selling agency has been employed or retained to solicit or secure the REC Contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Supplier for the purpose of securing business. For breach or violation of this warranty, WAPA shall have the right to annul the REC Contract without liability or, in its discretion, to deduct from the REC Contract price or consideration the full amount of such commission, percentage, brokerage, or contingent fee.

6.3 Contract Work Hours and Safety Standards: The REC Contract, to the extent that it is of a character specified in Section 103 of the Contract Work Hours and Safety Standards Act (Act), 40 U.S.C. § 3701, as amended or supplemented, is subject to the provisions of the Act, 40 U.S.C. §§ 3701-3708, as amended or supplemented, and to regulations promulgated by the Secretary of Labor pursuant to the Act.

- 6.4 Equal Opportunity Employment Practices:** Section 202 of EO No. 11246, 30 Fed. Reg. 12319 (1965), as amended by EO No. 12086, 43 Fed. Reg. 46501 (1978), as amended or supplemented, which provides, among other things, that the Supplier will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin, must be incorporated into the REC Contract. Indian Tribes and tribal organizations may apply Indian preference to the extent permitted by Federal law.
- 6.5 Use of Convict Labor:** The Supplier agrees to not employ any person undergoing sentence of imprisonment in performing the REC Contract except as provided by 18 U.S.C. § 3622(c) as amended or supplemented, and EO 11755, 39 Fed. Reg. 779 (1973), as amended or supplemented.

7. PROCESS AND TIMING

- 7.1 Timing:** Proposals submitted in response to this RFP must be received via EMAIL to WAPA on or before June 26, 2020, at 4:30 p.m. PPT to be considered for evaluation. WAPA reserves the right to not consider any proposals received after the prescribed dates and time.
- 7.2 Submission of Responses:** WAPA will receive proposals that are submitted by e-mail to palwe@wapa.gov.
- 7.3 Questions:** Additional questions regarding this RFP will be accepted only via e-mail to peebles@wapa.gov until March 12, 2021.
- 7.4 Notification of Receipt:** A written acknowledgement of receipt of proposals will not be provided. Offerors therefore are strongly encouraged to ensure receipt of their proposal by e-mail to palwe@wapa.gov.
- 7.5 Evaluation of Proposals:** WAPA will consider all proposals received on or before the date and time set forth in Section 7.1 of this RFP. Offerors should not expect WAPA to enter into discussions about their proposals and should accordingly submit their best offer in their initial proposal. WAPA reserves the right to request best and final offers from one or more Offerors, and to award or not award any REC Contract as WAPA ultimately deems appropriate. REC Contract award decisions will be made by WAPA.
- 7.6 Notification of Award and Subsequent Contracting:** WAPA will notify the successful Offeror regarding selection for contract negotiations and will seek to negotiate and award the REC Contract as soon as practicable. A direct notification to unsuccessful Offerors will not be provided.

8. CONFIDENTIALITY AND USE OF INFORMATION IN PROPOSALS: WAPA will share information contained in submitted proposals with other WAPA staff. Offeror wishing to have all or part of their proposal not made available to the public should so indicate by marking the applicable portions “Confidential.”

9. CONTACT INFORMATION:

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Attachment 1 REC Bid Schedule

WAPA is requesting firm, fixed, per-REC unit price proposals for the transfer of RECs as follows:

<u>Bid Line Items</u>	<u>RECs Per Fiscal Year</u>	<u>Special Considerations</u>		<u>Delivery</u>
	<u>2021</u>	<u>Location</u>	<u>Certification Requirements</u>	<u>Month</u>
1. WAPA	2,000	Within the United States	Green-E	August
2. The Presidio Trust	20,000	Within the United States	Green-E	September
3. U.S. Department of Energy – Bay Area Site Office (DOE-BASO) ¹	20,000 – 30,000 ²	Within the United States	Green-E	November

¹ Four separate certificates totaling the number of RECs purchased will be required.

² REC range reflects best estimate of minimum and potential maximum annual purchase.

Attachment 2

Certificate of Transfer For RECs

I, (print name) _____, declare under penalty of perjury, on behalf of SUPPLIER that:

1. Title to the RECs in the amount described below, associated with electric power generation from renewable resource(s) listed below, are hereby transferred to WAPA in accordance with the terms of Contract _____, for the performance period of FY _____. Further, I certify that the RECs are associated with power generated from the renewable resource(s) listed below:

Name of Facility: _____

Address of Facility: _____

Period of Generation: _____

Total Amount of RECs covered by this Certificate of Transfer: _____

Facility ID Number*: EIA of QF (circle one): _____

Facility Contact Person: _____

Title: _____

Telephone No.: _____ Fax No.: _____

* Enter the Energy Information Administration (EIA) identification number for the generating facility. If the facility does not have an EIA number, please enter either the utility-assigned Qualifying Facility (QF) identification number or "N/A".

2. SUPPLIER represents and warrants the environmental attributes, including any attendant emission reductions, that are the subject of this Certificate of Transfer, have not been and will not be sold, reserved, or conveyed to any person other than WAPA, and the electric power generated in association with these RECs has not been represented to retain or possess, and will not be represented as retaining or possessing, such attributes.

As an authorized agent of SUPPLIER, I have authority to submit this report on behalf of SUPPLIER.

SUPPLIER

Printed Name of Agency Representative: _____

Title: _____ Date: _____

Signature: _____