

**GOVERNMENT OF PUERTO RICO  
PUBLIC SERVICE REGULATORY BOARD  
PUERTO RICO ENERGY BUREAU**

<b>NEPR</b>  <b>Received:</b>  <b>Mar 5, 2020</b>  <b>7:17 PM</b>
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**IN RE:**

**REQUEST FOR PROPOSALS FOR  
TEMPORARY EMERGENCY  
GENERATION**

CASE NO.:

NEPR-AP-2020-0001

SUBJECT:

Proposed RFP Approval

**MOTION TO SUBMIT REVISED PROPOSED RFP DOCUMENTS**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW the Puerto Rico Electric Power Authority through the undersigned legal representation and respectfully sets forth and pray:

1. On March 3, 2020, the Energy Bureau issued a *Resolution and Order* approving the Proposed RFP<sup>1</sup> (the “March 3 Order”). Pursuant to the March 3 Order, the approval of the Proposed RFP is subject to PREPA’s compliance with several conditions.<sup>2</sup> The March 3 Order lists several items that are detailed in section III of the referred order.<sup>3</sup>

2. In compliance with the March 3 Order, PREPA herein submits the following:

- a. Request for Proposals, RFP 102750, Temporary Emergency Generation, March 5, 2020 Confidential Draft (the “RFP Document”). Exhibit A.
- b. Lease & Operating Agreement relating to the emergency installation, lease and operation of dual-fuel fired, dispatchable power generation technology, located at [●], Puerto Rico as part of PREPA’s Temporary (the “Dual-fuel LOA”). Exhibit B.

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<sup>1</sup> Capitalized terms not defined herein shall have the meanings ascribed to them in the Resolution and Order dated March 3, 2020.

<sup>2</sup> See March 3 Order, Sec. III.

<sup>3</sup> *Id.*

- c. Lease & Operating Agreement relating to the emergency installation, lease and operation of dispatchable [renewable energy] generation and battery energy storage technology, located at [●] Puerto Rico as part of PREPA’s Temporary Generation Program. Exhibit III (the “RE and BESS LOA”). Exhibit C.<sup>4</sup>
3. Pursuant to the section III of the March 3 Order, PREPA revised the above-listed documents and addressed the following:
- a. Item 1
    - i. The Energy Bureau requires PREPA to remove of “all references to the right of PREPA to acquire, purchase or otherwise receive by transfer any temporary generation unit and/or its associated facilities.” In compliance with said directive, PREPA has revised the following:
      - 1. RFP Document
        - a. Section 5 Asset Transfer Option - purchase option was removed.
      - 2. Dual-fuel LOA
        - a. Article 15 Option to Purchase and Article 18.05 Purchase by PREPA were removed.
      - 3. RE-BESS LOA
        - a. Article 14 Option to Purchase and Article 17.05 Purchase by PREPA of the LOA were removed. In compliance with 2 CFR § 200.318 and 200.404, a financial analysis is required to be performed between costs of lease versus purchase. In

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<sup>4</sup> Attachment or documents that had been previously submitted to the Energy Bureau but have not been submitted with this motion were not amended or revised.

Section 16 Proposal Requirements, Evaluation and Selection Process, Subsection 4 Price and Performance Proposal of the RFP Document, a price per generation unit was added to the requirements' table. This value will only be used to perform the financial analysis to comply with federal regulations to be able to seek Federal Emergency and Management Administration funding.

- b. Item 2
    - i. The agreement was established for an initial 12-month term with an option of a 6-month extension in the RFP Document, the Dual-fuel LOA and the RE and BESS LOA.
  - c. Item 3
    - i. The modified termination clause is included in Article 17 of the Dual-fuel LOA and Article 16 of the RE-BESS LOA.
  - d. Item 8
    - i. Section 16 Proposal Requirements, Evaluation and Selection Process of the RFP Document and Subsection 4 Price and Performance Proposal of the RFP Document were modified to require prices for 3-month and 12-month terms.
4. Also, the RFP Document now includes:
- a. The timeline for the key dates of the RFP process in Section 5.
  - b. The site visit schedule in Section 19.

WHEREFORE, PREPA respectfully requests the Energy Bureau to note the above-stated.  
RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 5<sup>th</sup> day of March 2020.

/s Katuska Bolaños  
Katuska Bolaños  
[kbolanos@diazvaz.law](mailto:kbolanos@diazvaz.law)  
TSPR 18888

DÍAZ & VÁZQUEZ LAW FIRM, P.S.C.  
290 Jesús T. Piñero Ave.  
Oriental Tower, Suite 1105  
San Juan, PR 00918  
PO Box 11689  
San Juan, PR 00922-1689  
Tel. (787) 395-7133  
Fax. (787) 497-9664

Exhibit A

RFP Document

*[This exhibit has been submitted under seal.]*

Exhibit B

Dual-fuel LOA

*[This exhibit has been submitted under seal.]*

Exhibit C  
RE and BESS LOA

*[This exhibit has been submitted under seal.]*