

# Feedback Form

## Long-Term RFP – August 17, 2023

### Feedback Provided by:

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Following the August 17<sup>th</sup> public webinar on the Long-Term RFP (LT1 RFP), the Independent Electricity System Operator (IESO) is seeking feedback from participants on the changes to the rated criteria proposed in the meeting.

The referenced presentation can be found on the [Long-Term RFP webpage](#).

Please provide feedback by September 1, 2023 to [engagement@ieso.ca](mailto:engagement@ieso.ca).

Please use subject header: **Long-Term RFP**. To promote transparency, this feedback will be posted on the [Long-Term RFP webpage](#) unless otherwise requested by the sender.

The IESO will work to consider and incorporate comments as appropriate and post responses on the webpage.

Thank you for your contribution.

## Changes to Rated Criteria: Indigenous Community Participation

<b>Topic</b>	<b>Feedback</b>
Are Proponents supportive of the revised Rated Criteria approach as laid out on slide 20 with respect to Indigenous Community Participation? This includes the introduction of more granularity to the economic interest segments, as well as an increase overall to the total points available for Indigenous Community Participation.	Invenergy supports the greater weight of points given to Indigenous communities, however we believe a 50% equity agreement should be given more than 6 points to reflect the significant economic commitment this entails when compared to the 4 points given for Local Governing Body Support. We believe increasing the amount of points for Indigenous equity will better reflect IESO's values on Indigenous participation and lead to greater levels of Indigenous involvement.

## Changes to Rated Criteria: Local Governing Body Support

<b>Topic</b>	<b>Feedback</b>
Are Proponents supportive of the revised Rated Criteria approach as laid out on slide 21 with respect to Local Governing Body Support? This includes increasing the Rated Criteria points for Local Governing Body Support to 4, as well as changing the evaluation criteria weighting in the formula in section 4.4(d)(iii) from 0.3 to 0.2.	Invenergy values community engagement and receiving local support is crucial to all our projects. We support points being allocated to proponents who secure Local Governing Body Support but believe the IESO can maintain the importance of municipal support in the RFP while also giving greater weight to Indigenous equity participation than is currently allocated.

## Changes to Indigenous Consultation (Duty to Consult)

Topic	Feedback
<p>Are Proponents supportive of the new Development and Construction Covenant added to the draft LT1 Contract (s2.2e), as well as process outlined in the Ministry of Energy’s draft Duty to Consult Delegation Letter template?</p>	<p>Invenergy supports engagement with Indigenous communities and see this as an important part of developing infrastructure projects in the Province of Ontario. Delegating procedural aspects of the Crown’s Duty to Consult is a common practice as part of Environmental Permissions in Ontario. Invenergy supports the IESOs attempt to ensure an appropriate Duty to Consult process is followed. In our view, any determination of a Duty to Consult should be in line with existing legislation, policy, and procedures in place for Environmental Permissions and there should not be a new standard placed on energy projects awarded a contract with the IESO as part of the LT1 RFP.</p>

### Other or General Comments/Feedback:

Invenergy believes that Section 4.1 – Completeness Requirements is overly restrictive. It does not provide the evaluation team with sufficient room to manoeuvre to exercise their discretion and seek clarification or additional information from proponents before rejecting a bid on completeness grounds. Specifically, we take issue with the language that limits the deficiencies that may result in a rectification notice to *"a manifest error or deficiency on a submitted Prescribed Form, such as a missing date, name, signature or a typographical error (and not, for certainty, a failure to pay the Proposal Fee, a failure to deliver the Proposal Security as required by Section 3.6 or a failure to submit a Prescribed Form in its entirety that is required by Section 3.6)."*

Proponents invest significant amounts of time, capital, and effort in responding to IESO RFPs in a good faith effort to meet all IESO requirements. We remain concerned that the RFP rules, as they stand now, will continue to result in fundamentally sound projects being disqualified for minor, easy-to-correct issues. These overly restrictive rules result in high-quality projects not being considered in the later stages of the procurement process, which ultimately leads to fewer options for the IESO to consider. This is rejection of high-quality bids for minor clerical errors is a disservice to ratepayers. Furthermore, we believe these rules, while intended to promote fairness, achieve the opposite effect and prevent healthy competition between the largest pool of bids and prevent IESO from meeting the full potential of the RFP process. The LT1 process needs to be fair, yet sufficiently flexible and open to competition to continue to attract investment that can help meet energy demands and provide maximum ratepayer benefit.

We recommend that the above referenced language in **Section 4.1 – Completeness Requirements** should be expanded to grant the IESO evaluation team more flexibility to request clarification and additional information from proponents to rectify any perceived technical issues with their bids and to ensure that all projects are fully considered on their merit. This rectification opportunity should be time limited to give proponents an opportunity to address issues but not unduly delay the process, which we understand is critical to the IESO to ensure projects meet their

designated in-service dates. In our experience, this is a reasonable practice that is commonly employed by other Crown Corporations managing regulated procurement processes in the Canadian electricity market.

To support the Completeness Review by the IESO a rectification period could also be introduced immediately following bid submission. All companies should be given equal opportunity to proactively correct any issues. Inenergy supports the opportunity for a 2-week period immediately following bid submission for proponents to correct any remaining technical deficiencies in their bid submission, that meet the spirit and intent outlined in Section 4.1 – Completeness Requirements related to rectification of technical issues.