

# LT1 RFQ: Second Set of Questions and Answers (June 23, 2022)

## Questions and Answers

The following document summarizes the second set of IESO responses to questions and comments submitted to the IESO in respect of the final LT1 RFQ documents posted on June 3, 2022, that were pursuant to Section 2.3(a) of the LT1 RFQ prior to the Question and Comment Deadline.

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## LT 1 RFQ

Question Comment	IESO Response
1. In the IESO webinar held on June 9, there was discussion regarding applicants who aren't successful in the Expedited stream being moved to the LT1 mechanism. Could you please confirm this? If confirmed, what is required on the applicants end to ensure the application is successfully moved to the other procurement stream?	<p>Yes, the IESO is considering allowing for projects that are unsuccessful in the Expedited Process an opportunity to bid into the LT1 RFP. Further information will be forthcoming as the IESO will need to ensure that the general process ensures fairness and transparency.</p> <p>No specific actions are required of the RFQ Applicant in the Qualification Submission.</p>
2. Can you apply for multiple sites in one application, or does each site require its own application?	<p>As part of the Qualification Submission, RFQ Applicants are required to complete the Prescribed Form: Long-Term Reliability Project Description.</p> <p>Multiple versions of the Prescribed Form: Long-Term Reliability Project Description may be submitted as a part of a single Qualification Submission.</p>
3. Is the 600MW maximum per project or per applicant?	<p>The maximum size per Long-Term Reliability Project is a nameplate capacity of 600 MW.</p>
4. Does the IESO consider energy storage dispatchable?	<p>Please consult the IESO Market Rules.</p>
5. How do we evidence control between parties if its not through securities?	<p>Interested parties should consult their legal counsel on the definition of "Control". Section 3.3(a)(ii) and 3.3(b)(ii) of the LT1 RFQ contemplate the IESO requesting additional corporate records or constating documents (such as shareholder agreements or partnership agreements) that may establish Control in a manner that is not apparent from securities holdings.</p>

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<p>6. What is your mailbox maximum email size? I.e. will your inbox bounce back an email of 10 MB plus, 50 MB plus? Please advise so we can prepare our PDF sizing accordingly.</p>	<p>Please refer to the IESO's response to Question 14 of the LT1 RFQ: Questions and Answers dated June 17, 2022.</p>
<p>7. Can Designated Team Members change between the RFQ to the RFP? I.e. if we have a team member who leaves or we hire someone new, can they be removed/added to the respective project lifecycle buckets (planning, development, etc.) so long as we have a minimum of 2 Team Members who meet the necessary criteria in each bucket?</p>	<p>Yes, that is correct. Like for like replacements (in terms of experience) of Designated Team Members is permitted between the RFQ and RFP phase of the procurement, subject to the terms of the LT1 RFQ.</p> <p>Please refer to Section 2.10(c) of the LT1 RFQ.</p>
<p>8. Can the RFQ Applicant change between the RFQ and Expedited Process or LT1 RFP stages?</p>	<p>Section 2.10(b) of the LT1 RFQ states that only RFQ Applicants that have been determined to be Qualified Applicants under the LT1 RFQ, or Persons Controlled by Qualified Applicants will be eligible to participate in the Expedited Process or the LT1 RFP. Additionally, Section 2.10(c) of the LT1 RFQ discusses the requirements relating to permitted changes of Designated Team Members or Control Group Members of Qualified Applicants.</p>
<p>9. Prescribed Form - RFQ Applicant Qualifying Experience and Declarations - Appendix B #3 should this also state Control Group Member? "Individuals identified as DTMs...are each duly appointed officers, directors or employees of the RFQ Applicant or its Control Group Member."</p>	<p>Thank you. This will be incorporated into an amendment to the Prescribed Form.</p>
<p>10. Prescribed Form - RFQ Applicant Qualifying Experience and Declarations - Section 2(B)(ii) - The fourth tick box paragraph states "Where Section 2(B)(i) above indicates that the Qualifying Small-Scale Project is not currently owned by the RFQ Applicant..." Shouldn't this also include "or Control Group Member"?</p>	<p>No. The IESO requires organizational charts and securities registers in any circumstance where the Qualifying Large-Scale Project or Qualifying Small-Scale Project (as applicable) is not currently owned by the RFQ Applicant, even where it is owned by a Control Group Member.</p>
<p>11. Can a party submit multiple qualification applications? For example, they may submit</p>	<p>The LT1 RFQ is intended to qualify RFQ Applicants, which must be distinct "Persons".</p>

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<p>one independently and one in a joint partnership with another party.</p> <p>If they qualify with both applications, will they be breaching the non-collusion requirements stated within the RFQ</p>	<p>Addendum #1 to the LT1 RFQ clarifies that unincorporated joint ventures are not eligible to constitute Qualified Applicants. A distinct “party” may not be the RFQ Applicant for multiple Qualification Submissions.</p>
<p>12. The Qualification Submission must be written in English only and should be in electronic format, typed in black ink, printable on a 8.5 x 11 inch paper, and all pages in applicable documents should be numbered sequentially. Qualification Submissions should be collated and organized in a user-friendly manner, including an index, cross-referencing of the various supporting documentation and their respective page numbering systems, and detailed responses.</p> <p>If we apply sequential numbering to the document, it will mean that the page numbers on the prescribed forms will change. Is that acceptable to the IESO?</p>	<p>Yes, this is acceptable. The desire for sequential numbering is to aid the IESO in its review of each Qualification Submission, especially if the Qualification Submission is submitted in several parts. However, the desire for sequential numbering is not intended to be an overly onerous request. Therefore, please use your judgement as to how best to sequence and assemble your Qualification Submission to ensure that IESO can find and cross-reference all relevant material.</p>
<p>13. If deemed a Qualified Applicant, The applicant intends to form or designate a special purpose entity who shall be a Control Group Member and who would participate in any potential LT1 RFP. Can the IESO confirm that the RFQ Applicant is not required to be the same entity that participates in the LT1 RFP?</p>	<p>Please refer to Section 2.10(c) of the LT1 RFQ.</p>
<p>14. We understand proponents must submit “all proposed Long-Term Reliability Projects” for which they seek to bid in the Expedited LT I RFP. Are they only required to submit the Mandatory Information (Part A of the Prescribed Form) for Expedited LT I projects or must we also provide the Optional Information (Part B) as well?</p>	<p>RFQ Applicants are required to submit the mandatory information in Part A of the Prescribed Form: Long-Term Reliability Project Description.</p> <p>Part B consists of optional information which RFQ Applicants are encouraged to complete.</p>
<p>15. We understand that any projects not submitted at the RFQ stage will not be eligible at the RFP stage of the Expedited Process. Are proponents able to make changes to the</p>	<p>Please refer to IESO’s response to Question 5 of the LT1 RFQ: Questions and Answers dated June 17, 2022.</p>

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<p>Mandatory and/or Optional Information submitted for each project under the RFQ stage in the RFP stage of the Expedited Process? For example, a deliverability assessment may merit changing a project size from 300 MW to 150 MW in the RFP bid, or final details on the economic structure of the contract may merit decreasing the duration of continuous power provided from 8 hours in the RFQ to 4 hours in the final RFP under the Expedited Process. Please provide clarity on what flexibility proponents have within a specific project's Mandatory and Optional Information to make changes between the RFQ and RFP stage.</p>	
<p>16. Can proponents submit a range for continuous power under the RFQ, e.g., 6-8 hours?</p>	<p>Yes, RFQ Applicants can submit the estimated duration of the potential project(s) in Part A the Prescribed Form: Long-Term Reliability Project Description.</p> <p>This information can be included in the following section of the Prescribed Form: "Duration of the proposed Long-Term Reliability Project's ability to generate a sustained amount of Electricity during normal operating conditions (Hours)".</p>
<p>17. Are the warranties in Section 3 of the Team Member and Entity Experience Prescribed Form the only warranties required to confirm the information provided is accurate (i.e., does it satisfy the declaration of an Officer requirement referenced in Section 3.2(a)(iii) of the RFQ or is a separate declaration also required)?</p>	<p>Please see Appendix B and Appendix C of the Prescribed Form: RFQ Applicant Qualifying Experience and Declarations for the forms of the two statutory declarations that are required for purposes of confirming the information in Section 1 and Section 2 (respectively) of the form.</p>
<p>18. Can we use an American notary or do we need to use a Canadian notary?, - Will the IESO accept an online notarization if the applicant does not have a company representative in Canada and will not have someone in Canada to sign in front of the notary?</p>	<p>The form of the statutory declaration(s) require a notary public or commissioner of oaths qualified to notarize documents or commission sworn oaths in Ontario. The RFQ Applicant is not required to be a Canadian entity. The Law Society of Ontario and the <i>Commissioners for Taking Affidavits Act</i> (and</p>

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<p>Does this mean we need a Canadian entity as an Applicant? This is not mentioned anywhere in the RFQ doc</p>	<p>its regulations) have specific provisions that facilitate remote commissioning of oaths.</p>
<p>19. Question: What type of documentation would we need to submit with the RFQ to document a partnership?</p> <p>Can we submit a term sheet for the partnership or do you need to see a JV agreement?</p>	<p>Interested parties should consult with their legal advisors on the definition of a "Person" and the formation and organization of any partnerships that may seek to be RFQ Applicants.</p>
<p>20. "Section 2.6 states that the qualification submission should be collated and organized in a user-friendly manner, including an index, cross-referencing of the various supporting documentation and their respective page numbering systems, and detailed responses.</p> <p>The table in Section 2.7(b)(i) suggests that the RFQ Applicant use a filename that includes PF:Experience and Declarations.</p> <p>Section 2.7(b)(v): suggests that RFQ Applicants use a filename that includes: PF: QS Completeness Checklist</p> <p>These requirements are a bit confusing</p> <p>What is the correct procedure for submitting the application? Are the Prescribed Forms to be submitted as stand-alone documents or can all the prescribed forms, appendices and other attachments collated, sequentially numbered and submitted as one document?</p>	<p>The Qualification Submission, including attachments, may be submitted as one document.</p> <p>Please see IESO's response to Question 12 above.</p>
<p>21. Per Section 2.13 - Information on Long-Term Reliability Project(s) part (a) The RFQ Applicants shall, as a part of their Qualification Submissions, submit a description of at least one (1) proposed Long-Term Reliability Project, provided that the RFQ Applicants must submit a description of all proposed Long-Term Reliability Projects for which the RFQ Applicants are seeking qualification to participate in the Expedited Process. It has</p>	<p>Although RFQ Applicants are required to submit the Prescribed Forms as part of the Qualification Submission, specific project information included in the Prescribed Form: Long-Term Reliability Project Description will not be used as part of the evaluation.</p> <p>RFQ Applicants should include as much information as possible on potential projects</p>

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<p>been made clear by the IESO in the document title "Stakeholder Feedback and IESO Response - Long-Term RFQ Draft - April 22, 2022" that the Project may be updated from the RFQ to the RFP and additional projects may be bid at the RFP submission.</p> <p>Can the IESO clarify whether a project which is submitted to the RFQ under the prescribed form (Long-term Reliability Project Description) with the intention of submission into the Long-Term RFP be removed from submission at the time of the Long-Term RFP submission? This question is based on timing as the projects are being actively developed over the next 12 months and circumstances may change during that time.</p>	<p>they would like to pursue in the RFP phase, as this information will be used by the IESO to inform and prepare for the RFP phase.</p> <p>RFQ Applicants are encouraged to include as much information as possible on potential projects they would like to pursue in the LT1 RFP or Expedited Process, as this information will be used by the IESO to inform the design of the LT1 RFP and Expedited Process.</p>
<p>22. Is there an ability for a facility to participate under different programs? For example - be selected for the hybrid integration project and also be awarded a contract under the RFP.</p> <p>If a facility can be allowed to participate in different programs concurrently, what would be operational terms and conditions associated with the facility that would be awarded a contract under the RFP?</p>	<p>The Expedited Process and LT1 RFP are intended to procure New Build Electricity capacity resources to be built and operated under the LT1 Contract with the IESO. It is not expected that projects eligible under the Expedited Process or the LT1 RFP will be able to be the subject of multiple contracts with the IESO.</p>
<p>23. Can the IESO please provide templates/examples of CV and project description, and/or more guidelines, to help participants narrow the scope of information required for the RFQ submission.</p>	<p>The IESO will not be providing templates or examples of CVs/resumes.</p> <p>The Prescribed Forms include the type of information the IESO is seeking, such as potential project parameters (technology type, location, estimated size, estimated connection point).</p>
<p>24. Please confirm Shareholder A is the Control Group Member of the RFQ Applicant in the following circumstances: The RFQ Applicant is an Ontario Corporation. Its capital consists of one class of common shares. There are multiple shareholders of the RFQ Applicant, none of whom owns more than 45% of the common shares. However, Shareholder A has</p>	<p>The IESO cannot advise interested parties on the application of the definition of "Control" to their specific corporate structure or organizational documents. Interested parties should seek legal advice on this definition and its application to specific scenarios or constating documents.</p>

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<p>the right at all times to elect a majority of the directors of the RFQ Applicant pursuant to a unanimous shareholders agreement. Shareholder A has the requisite team experience and project experience to satisfy the requirements of the LT1 RFQ.</p>	
<p>25. Party B has previously owned 2 projects, each of which had a nameplate capacity greater than 5MW, was not a Behind-the-Meter Facility and achieved commercial operation in Canada within the last 15 months prior to June 30,2022. In each case Party B had 100% ownership and control of an entity, which in turn had a 50% ownership interest (but not control which was maintained by another party) in an entity that directly owned one Project. Does the 50% ownership interest of the entity that directly owned the project satisfy the requirement of s. 3.3(a)(i) of the LT1 RFQ so that Party B can use these 2 projects to meet the Large-Scale Entity Development Experience Threshold.</p>	<p>No. In the scenario described, Party B did not Control the Person that directly owned the two projects.</p>
<p>26. As per the definition of a Designated Team Member, what evidence would be required, if any, if the Designated Team Members, for which resumes are being provided in Appendix A to the Prescribed Form - RFQ Applicant Qualifying Experience and Declarations, are employees of a Control Group Member and not the RFQ Applicant.</p>	<p>No additional documentation is required in this scenario beyond the resumes and the statutory declaration of an officer of the RFQ Applicant.</p>
<p>27. Please confirm that providing input in respect of the forthcoming and yet to be published draft LT1 RFP or Expedited Process would constitute a Permitted Purpose within the meaning of Section 2.5 of the LT1 RFQ.</p>	<p>Yes, that is correct.</p>
<p>28. Please also confirm that the Excluded Purposes are expressly intended to limit communications in respect of the LT1 RFQ only, and are not intended to prohibit or otherwise limit candid input in respect of the forthcoming draft LT1 RFP or Expedited Process.</p>	<p>Yes, that is correct.</p>
<p>29. Finally, would it be safe to assume that once the LT1 RFP or Expedited Process</p>	<p>Yes, similar communication restrictions will apply with respect to the LT1 RFP or</p>



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<p>documentation is issued in final from and the respective procurement is live that similar communications restrictions would likely apply with respect to the LT1 RFP or Expedited Process, as applicable, at that time.</p>	<p>Expedited Process. Such communication restrictions have been in place for many previous IESO procurements.</p>
<p>30. For projects that have already achieved COD, will an approximate start of construction date suffice or would the IESO consider removing this data point. Often there is no official start date that can be demonstrated via documentation and given that a statutory declaration is required - this creates risk, particularly for projects that have been operational for many years.</p>	<p>With respect to the field entitled "Date of commencement of construction" in the Prescribed Form: RFQ Applicant Qualifying Experience and Declarations, an approximate date for the commencement of construction of such projects is acceptable in the event that a full notice-to-proceed under an Engineering, Procurement, Construction (EPC) contract or other similar commencement of construction is not documented. However, the input should be marked as approximate, along with the information on which the input is based.</p> <p>For purposes of Qualifying Large-Scale Projects or Qualifying Small-Scale Projects an approximate date for the commencement of construction of such projects is acceptable in the event that a full notice-to-proceed under an EPC contract or other similar commencement of construction is not documented.</p>
<p>31. Section 3.3 (a) (i) states; 'In order to meet the "Large-Scale Entity Development Experience Threshold", the RFQ Applicant or its Control Group Member must have directly owned, or Controlled a Person that directly owned, two (2) or more operating Electricity generation or storage facilities:'</p> <p>Controlled is a defined term, but not 'owned'. Is there a minimum percentage ownership required? For example; the applicant, through its affiliates, has a partnership with some First Nation entities for LRP contracted projects, whereby the First Nation owns 50.01% and the applicant through its affiliate the remaining 49.9% . In this instance would that be</p>	<p>The reference to "owned" in these sections (3.3(a)(i) and 3.3(b)(i)) is referring to Electricity generation or storage facilities themselves, at the asset level. In the scenario described in this question it is the partnership that owns the LRP contracted projects and not the applicant (who owns 49.9% of that partnership). The Entity Development Experience Threshold in the LT1 RFQ is based on Control or direct ownership of applicable projects by the RFQ Applicant or its Control Group Member. The contemplated RFQ Applicant in this scenario does not appear to</p>

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<p>considered as 'owned' and therefore eligible as Large Scale Entity Development Experience Threshold, assuming the project also met conditions (A-C)</p>	<p>satisfy this criteria in respect of the identified projects.</p>
<p>32. RFQ – Section 3.2(a)(i): In the webinar that the IESO held on June 9th, the IESO stated that in order to fully meet the RFQ's Large-Scale Team Member Experience requirement of Section 3.2(a)(i), a RFQ submission must include at least 2 Designated Team Members that, taken together, have experience, in a position of managerial authority, covering all of the following five functions - Developing, Planning, Financing, Constructing and Operating associated with at least 1 Qualifying Large-Scale Project.</p> <p>The IESO further clarified in the webinar that the RFQ's Large-Scale Team Member Experience requirement will be fully met if the RFQ submission were to only include 1 Designated Team Member that has experience, in a position of managerial authority, in only 1 of the 5 functions above and 1 other Designated Team Member that has experience, in a position of managerial authority, in only the other 4 functions above.</p> <p>Please confirm that the above summary from the webinar is accurate.</p>	<p>The Team Member Experience could be made up of two (2) Designated Team Members who each have experience in Planning, Developing, Financing, Constructing and Operating or ten (10) team members with two members having experience with planning, two members having experience with developing, etc.</p>
<p>33. RFQ – Prescribed Form - Long-term Reliability Project Description: In the webinar that the IESO held on June 9th, the IESO stated that a RFQ submission by a proponent that is looking to qualify for the Expedited Process could include Project X that is also included in the RFQ submission of a different proponent that is also looking to qualify for the Expedited Process. However, only one RFQ Applicant may submit Project X into the Expedited RFP.</p> <p>Please confirm that the above summary from the webinar is accurate.</p> <p>More specifically, please confirm if the following examples are permitted and what, if</p>	<p>The Prescribed Form: Long-Term Reliability Project Description requires information on the RFQ Applicant's status of site control but does not require any specific site control at this time.</p> <p>While it is possible for multiple RFQ Applicants to identify the same project in their Qualification Submission, site control for the project will be required in the proposal stage of the procurement and so only one proponent will be able to submit a proposal in respect of a specific project at the proposal stage.</p>

any, supporting documentation would be necessary to provide along with the Prescribed Form and the RFQ submission.

Scenario #1: Proponent A is organized as Limited Partnership A and Proponent B is organized as Limited Partnership B, where both Proponent A and B have different control group members and both submit a Prescribed Form for the same Project X. The owner of site control rights for Project X is an unrelated entity that is a minority partner in both Limited Partnership A and Limited Partnership B (i.e. the minority partner is the same in both Limited Partnerships A and B). Outlined in both Limited Partnerships A's and B's submitted Prescribed Forms for Project X, in describing the status of the respective Limited Partnership's site control, is it sufficient that the minority partner holds the site control for the eventual RFQ Applicant(s) and that site control is not directly held by the RFQ Applicant itself until the Expedited RFP submission?

Scenario #2: Proponent A and Proponent B are unrelated and both submit a Prescribed Form for the same Project X. The owner of site control rights for Project X is a third party. The status of the site control for Proponent A and B is an agreement with this third party to sell one of them the site control rights to Project X, provided that the sale of the site control rights will only be to either Proponent A or B (not both) and must be concluded prior to any submission of Project X into the Expedited RFP.

Lastly, in respect of the Deliverability Test that is planned to take place post RFQ submission, in the event there are two qualified RFQ Applicants that have both submitted Prescribed Forms for Project X, please confirm that both RFQ Applicants can submit Project X into the Deliverability Test with the IESO recognizing that they will only perform the Deliverability Test for Project X once and not twice.

Question Comment	IESO Response
34. If a proponent would like to be considered in the large scale RFP as well as small scale RFP are we to submit two separate applications?	Please see Section 3.4 of the LT1 RFQ which outlines the qualifications for Large-Scale LT1 Projects and Small-Scale LT1 Projects based on qualification from the LT1 RFQ.
35. [Name Redacted X] is interested in applying to the RFQ. [Name Redacted X] is a wholly owned subsidiary of [Name Redacted Y]. In order for [Name Redacted X] to qualify we will need to use some reference projects from our parent [Name Redacted Y]. We may also need to use employees in the RFQ application from our parent. While it is not possible for [Name Redacted Y] to be the RFQ proponent, [Name Redacted Y] can provide parent guarantees to [Name Redacted X]. Is this permissible?	Yes, the RFQ Applicant may evidence Team Member Mandatory Requirements with Designated Team Members that are directors, officers or an employees of a Control Group Member, and may evidence that it meets the Entity Development Experience Threshold with experience through ownership by a Control Group Member.
36. All of our owned projects are facilitated through SPVs that are fully owned by [Name Redacted]. Will we be able to put contracts into wholly owned and controlled SPVs should they be obtained from the IESO in this RFP process?	Yes, see the first sentence of Section 2.10(b) of the LT1 RFQ, which specifies that a Person Controlled by a Qualified Applicant is eligible to Participate in the LT1 RFP and the Expedited Process. Furthermore, it is anticipated that the form of LT1 Contract will accommodate assignment to an affiliate as in past IESO contracts.
37. Only the site locations submitted during RfQ stage will be allowed for both Expedited process (2025) and Long-term RfP (2027)?	Site locations submitted as part of Prescribed Form: Long-Term Reliability Projects Description will be required for the Expedited Process, but not for the LT1 RFP.
38. After RfQ qualification, developers can change the size of the project at a given location while submitting connection information during/before deliverability test? What is the estimated date for submitting this information once we qualify? This would be important as IESO only allows three project size and connection point combinations and it feels like we have to get it right the first time if we want to avoid over or under sizing the asset as IESO is not going to come back and tell us what size would be optimal for a specific location.	Please refer to IESO's response to Question 5 of the LT1 RFQ: Questions and Answers dated June 17, 2022. Further details regarding the deliverability assessment will be forthcoming after the LT1 RFQ in conjunction with the Expedited Process and LT1 RFP.

Question Comment	IESO Response
<p>39. From the "LT1 RFQ: Questions and Answers (June 17, 2022)" the IESO answered questions #26 and #27 with: "For the purposes of the LT1 RFQ, the IESO will be evaluating project experience in North America only".</p> <p>I have a clarification follow-up question: Is the "project experience" mentioned in the above answer referring to 'Team Member Experience' or 'Entity Development Experience' or both?</p>	<p>This response refers to both. Note the Team Member Mandatory Requirements in Section 3.2(a)(i) and 3.2(b)(i) use the defined terms "Qualifying Large-Scale Project" and "Qualifying Small-Scale Project", respectively, being the same defined terms used for purposes of Section 3.3(a) and 3.3(b) of the LT1 RFQ.</p>
<p>40. The declaration form is asking proponents to sign off that the Designated Team Members are employees of the RFQ applicant, however this doesn't align with RFQ language that says that the Designated Team can also be made of employees in a Control Group Member.</p> <p>Question 3 in Appendix B of the Prescribed Form - RFQ Applicant Qualifying Experience and Declaration states: "The individuals identified as Designated Team Members in Section 1 of the Prescribed Form: RFQ Applicant Qualifying Experience and Declarations are each duly appointed officers, directors or employees of the RFQ applicant"</p> <p>The RFQ definition for Designated Team Member is: "means an individual who is either a director, officer or an employee of the RFQ Applicant or a Control Group Member of the RFQ Applicant who are members of the RFQ Applicant Team"</p> <p>This will cause an issue for any proponents that are seeking to qualify under a subsidiary, but leverage employees of the parent or another subsidiary owned by the parent to make up the Designated Team. My legal is telling me they can't sign-off on the declaration form as written.</p>	<p>Please see IESO's response to Question 9 above.</p>