



**BID NO. 2023-WW-01**

**THE ATLANTIC COUNTY UTILITIES AUTHORITY**

**PURCHASE OF ELECTRIC GENERATION SERVICE DATED  
FEBRUARY 13, 2023**

**RESPONSE TO SUPPLIER QUESTIONS AND ADDENDUM NO. 1  
(DISTRIBUTED MARCH 13, 2023)**

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Q1: Section 1.7.1 in the Technical Specifications refers to PSEG in several places of the Transmission Costs section. Proposer believes this should say AECO/ACE. Please confirm.

*A1: Confirmed. Reference to PSEG is a typographical error. Correct reference is to AECO/ACE zone transmission rate.*

Q2: Please confirm that the executed Contract takes precedence over the RFP in case of conflicting language.

*A2: The language in the executed Electric Generation Service Agreement (Attachment 4 to the RFB) shall prevail over the RFB in the case of conflicting language.*

Q3: Please confirm award letter will refer to the solicitation and list of accounts while also including the price and term.

*A3: The Award Letter issued by the ACUA on the afternoon of March 15, 2023 will refer to the Bid Group(s), Price and Term of the contract. Specific accounts in each bid group shall be as set forth in Attachment 1 to the RFB (provided to suppliers in electronic format).*

Q4: Would ACUA be amenable to the supplier passing through changes in law at cost without markup as a new line item on invoices rather than having the supplier include risk premiums to a new fixed line item where the supplier has no history to rely on? If this is done, and if the costs deviate significantly with some months costing less than \$0.0001 / kWh but others in excess, can the winning supplier still pass through the costs?

*A4: Pass-through without mark-up as a separate line item is permissible. Yes to the 2nd question.*

Q5: Please confirm there is no Energy Agent fee to include in the price.

*A5: Confirmed.*

Q6: The ACUA specimen agreement aka the ACUA standard form contains language that conflicts with language in the Contract. Please confirm whether it will be necessary for the winning bidder to execute the standard form.

*A6: The Electric Generation Service Agreement (Attachment 4 to the RFB) is the only contract that the winning supplier(s) will need to sign.*

Q7: Proposer notes that re-contracting at new rates due to FERC-approved changes in NITS rates is burdensome and results in a higher cost to ACUA. Proposer can provide fixed Transmission at known FERC-approved NITS and Transmission Enhancement rates when contracting and then provide a monthly true-up line item to then current NITS and Transmission Enhancement rates. Would this be allowed?

*A7: Pass-through without mark-up as a separate line item is permissible.*

Q8: Please confirm if changes in price due to changes in NITS PLCs from the time of contracting are allowed in the same fashion as the question above.

*A8: Changes in costs associated with changes in NITS PLCs will occur automatically under the Fixed Price, Pass-Through Capacity and Transmission Product and the All Pass-Through Product for the account in Bid Group 2. For the All-In Fixed Price Product for Bid Group 1, price adjustments for changes in NITS PLCs will only be permitted, under subsection 5b) of the Form of Supply Contract, to the extent that aggregate NITS PLCs change by more than 20%. In such event, pass-through without mark-up as a separate line item is permissible.*

Q9: What are the specific “APPLICABLE WARRANTIES” referred to on item 12 on the checklist

*A9: The term “APPLICABLE WARRANTIES” is a standard inclusion on ACUA’s vendor bid checklist. The technical specifications for energy bids do not however require the bidder to supply any specific “applicable warranties”.*

**POSTPONEMENT OF ORIGINAL BID DUE DATE AND TIME:**

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**Bids were originally scheduled for submittal on Wednesday March 15<sup>th</sup> at 11am. Please be advised that ACUA has postponed the bid submittal for that date and time. ACUA will announce the re-scheduled bid submission due date and time via issuance of a further Addendum at a later date. Said further Addendum will be issued at least seven (7) business days prior to the re-scheduled bid due date**

**SUPPLEMENTAL INFORMATION/CLARIFICATION:**

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None.

**ATTACHMENTS:**

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None.