mczapata23@outlook.com

From:	Magda Brito-Rivera
Sent:	Friday, May 9, 2025 8:30 PM
To:	mquinones@recomspr.net; Procurement@recomspr.net
Cc:	Mary C Zapata-Acosta; josue.colon@p3.pr.gov; Lugo Mas, Rubén (AAPP); esoria@cor3.pr.gov; Lcdo. Francisco J. Domenech; Martha.Acevedo@aafaf.pr.gov; nnegron@prpa.pr.gov; Memphis Caban; Lionel E Santa Crispín; Fabiola Rosa-Roldan
Subject:	Recommended Proponents Contract's Negotiation (3PPO-RFP-0314-20-TPG)
Attachments:	Recommend Proponets Contracts -3PPO RFP0314-20-TPG.pdf; Resolution 5186 - Emergency Generation RFP.pdf

Good evening:

Attached is a letter from Mary C. Zapata Acosta, Chief Executive Officer of the Puerto Rico Electric Power Authority, regarding Recommended Proponents Contract's Negotiation (3PPO-RFP-0314-20-TPG) and the approved resolution.

We would appreciate your confirmation that you received this communication.

Cordially

Magda Brito-Rivera
Asesora Ejecutiva

ELECTRIC POW
PRE

Phone: 787-521-4686
Email: MAGDA.BRITO@prepa
Visit our website: https://aeep
1110 Ave. Ponce de León, San

PUERTO RICO
ELECTRIC POWER AUTHORITY
PREPA
GOVERNMENT OF PUERTO RICO

Mary C. Zapata Acosta
Executive Director

May 9, 2025

By electronic mail
mquinones@recomspr.net
procurement@recomspr.net

Mariela Quiñones
Program Manager
The Third-Party Procurement Office (3PPO)

Dear Ms. Quiñones:

Re: Recommended Proponents Contracts' Negotiation (3PPO-RFP-0314-20-TPG)

Today, the Third-Party Procurement Office (3PPO) presented a summary of the request for proposals (RFP) No. 3PPO-RFP-0314-20-TPG process to the Governing Board of the Puerto Rico Electric Power Authority (PREPA). Among others, the 3PPO presented the members of the Evaluation Committee (EC), explained the RFP evaluation criteria, and informed them that two of seven proponents were qualified, and their proposals were recommended. The 3PPO also explained that four proponents were disqualified due to lack of compliance with mandatory requirements and one proponent was qualified, but its proposal was not recommended because its cost was excessively high.

The members of the Governing Board had received the following documents in advance before today's meeting:

- Final Evaluation Report – CONFIDENTIAL
- RFP-Temporary Emergency Power Generation 3PPO-0314-20-TPG 32525
- Tabla Evaluación Proponentes-CONFIDENCIAL
- 3PPO Prepa Presentation TPG-CONFIDENTIAL

After the 3PPO and PREPA's Executive Director and Legal Affairs Director responded to questions regarding the RFP process, the members of the Governing Board approved

Resolution 5186. We attached a copy of this resolution, in which the Governing Board resolved to:

1. Authorize the Executive Director to commence negotiations with the proponents selected by the Evaluation Committee.
2. The Legal Affairs Director will review the terms and conditions of the contract resulting from said negotiations, after which the Executive Director re-submit the agreements to the Governing Board for final approval.

Therefore, hereby PREPA's Executive Director delegates the negotiation of the agreements with the selected proponents to PREPA's Legal Affairs Director, Mr. Lionel E. Santa Crispín, and the members of the Evaluation Committee. The negotiations with the selected proponents shall commence immediately. PREPA's Legal Affairs Director and the Evaluation Committee shall expeditiously inform PREPA's Executive Director of any issue that requires PREPA's management attention.

In addition, PREPA's Legal Affairs Director and the Evaluation Committee shall submit an executive summary of the negotiation's status to PREPA's Executive Director every two days. The first status executive summary shall be submitted on Tuesday, May 13, 2025, before 3:00 PM. All status executive summaries should be sent by email.

If you have any question regarding this communication, you can contact us through 787-521-4671.

Cordially,

Mary C. Zapata Acosta, PE
Executive Director

c Josué A. Colón Ortiz, P3A Executive Director; josue.colon@p3.pr.gov
Rubén Lugo Mas, P3A Compliance & Contract Manager; ruben.lugo@p3.pr.gov
Eduardo Soria, Director Ejecutivo COR3; esoria@cor3.pr.gov
Francisco Domenech, Secretario Gobernación; fjdomenech@fortalez.pr.gov
Martha L. Acevedo Peñuela, Directora, Oficina de Asuntos Legales AAFAF; martha.acevedo@aafaf.pr.gov
Norberto Negrón Díaz, Director Ejecutivo; Autoridad de los Puertos; nnegron@prpa.pr.gov
Memphis Caban, Miembro Junta de Gobierno, AEE; mcaban@moncayo.com

PUERTO RICO
ELECTRIC POWER AUTHORITY

PREPA

GOVERNMENT OF PUERTO RICO

RESOLUTION 5186

Request for Approval to Negotiate with Selected Proponents
of RFP 3PPO-0314-20-TPG (800MW Emergency Generation)

WHEREAS: The Puerto Rico Electric Power Authority (PREPA) is a public corporation and an instrumentality of the Government of Puerto Rico created by Act 83 of May 2, 1941, as amended (Act 83). PREPA was created to provide electrical energy in a reliable way, contributing to the general welfare and sustainable future of the people of Puerto Rico, maximizing benefits and minimizing social, environmental, and economic impacts. In addition, PREPA provides a service based on affordable, fair, reasonable, and non-discriminatory cost that are consistent with environmental protection, non-profit, focused on citizen participation and its clients.

WHEREAS: Act 83 authorizes PREPA to grant contracts and formalize all the instruments that are necessary or convenient in the exercise of any of its powers.

WHEREAS: Section 15(1)(a) of Act 83 states that all purchases made and contracts for supplies or services, except professional services, entered by PREPA, including its capital construction contracts, shall follow a bid process.

WHEREAS: Section 15(2) of Act 83 lists the instances in which a bid process will not be required. According to Section 15(2)(f) of Act 83, a competitive bidding process shall not be necessary, when in the judgment of the Governing Board, a competitive request for proposal (RFP) process for the acquisition of goods, equipment, materials or services must be carried out to encourage greater competition, reduce the risk of collusion and promote the best possible terms and conditions in benefit of greater savings and reduction of costs and operational expenses of PREPA.

WHEREAS: On January 24, 2023, the Puerto Rico Electric Power Authority (PREPA), the Puerto Rico Public-Private Partnerships Authority ("P3A"), and Genera PR (Genera) entered into the Puerto Rico Thermal Generation Facilities Operation and Maintenance

Agreement (the "Generation O&M Agreement"), whereby Genera became the operator of the Legacy Generation Assets (as defined therein) as an agent of PREPA.

WHEREAS: Pursuant to the Generation O&M Agreement, PREPA designated and appointed Genera as its agent.

WHEREAS: The Third-Party Procurement Office ("3PPO") has been established under the P3A, as mandated by the Puerto Rico Electric System Transformation Act (Act 120-2018) and the Public-Private Partnerships Act (Act 29-2009), and has been designated as the primary entity authorized to manage and oversee procurement activities pertaining to Public-Private Partnerships, specifically in relation to PREPA, when potential conflict of interests may arise among one of the private operators and its affiliates, subsidiaries or parent companies.

WHEREAS: PREPA urgently requires secure temporary Power Generation units to support the Puerto Rico grid during the upcoming peak demand season.

WHEREAS: To address such requirement, the 3PPO issued Request for Proposals 3PPO-0314-20-TPG (RFP) on March 25, 2025, in which it sought bids to deliver Power Generation solutions to the requested sites, and deliver Power Generation to the Generation Units at the Delivery Point, pursuant to the form of Power Generation Sale and Purchase Agreement published as part of the 3PPO-0314-20-TPG RFP. The 3PPO appointed and Evaluation Committee (3PPO EC) for the evaluation of this RFP.

WHEREAS: The proposed power generation solutions must utilize proven, high-efficiency technology, such as combined cycle or reciprocating engines, and include state-of-the-art environmental control and monitoring systems. The system must meet minimum annual equivalent availability factors as set forth in the RFP documents.

WHEREAS: The proposed power solution must integrate into Puerto Rico's Transmission & Distribution (T&D) infrastructure. The project must fully comply with all procurement and operational guidelines established by the 3PPO. Additionally, the project must meet environmental regulations, including compliance with the Clean

Water Act, Clean Air Act, New Source Performance Standards, Hazardous Air Pollutant Standards, Spill Prevention Control & Countermeasure requirements, Facility Response Plans, waste disposal regulations, construction and operating permits, and any future permits and modifications required under local and federal plans and not otherwise exempted under Applicable Law.

WHEREAS: The 3PPO presented to PREPA 3PPO EC's Final Evaluation Report, which in turn, presented it to this Board for discussion and approval.

WHEREAS: PREPA's Legal Affairs Director considered the aforementioned and concluded that the procurement of these services, may be carried out through an RFP process, according to the faculty granted to PREPA by Section 15(2) (d) of Act 83, after the approval of the Governing Board, the Office of Management and Budget of Puerto Rico and any other required authorizations.

THEREFORE: In accordance with Act 83, this Governing Board resolves to:

1. Authorize the Executive Director to commence negotiations with the proponents selected by the Evaluation Committee.

2. The Legal Affairs Director will review the terms and conditions of the contract resulting from said negotiations, after which the Executive Director re-submit the agreements to this Board for final approval.

Approved in San Juan, Puerto Rico, in May 9, 2025.

Fabiola M. Rosa Roldán
Assistant Secretary of the Board

mczapata23@outlook.com

From: Mariela Quinones <mquinones@recomspr.net>
Sent: Saturday, May 10, 2025 3:15 PM
To: Mary C Zapata-Acosta
Cc: Colón Ortiz, Josúe A. (AAPP); Lionel E Santa Crispín; Juan Gonzalez; ocarlo@carlolaw.com; Fabian Velez; Yolanda Velez; Miguel Garcia
Subject: Inicio de procesos de negociaciones-RFP de Emergencia Temporera de Generación

[CAUTION] This email originated from outside of PREPA. Do not click links or open attachments unless you recognize or trust the sender. If you believe the email is phishing, please report it using the phishing report tool. For any questions or concerns, please contact cybersecurity@prepa.pr.gov.
[PRECAUCIÓN] Este correo proviene de fuera de la AEE. No haga clic en enlaces ni abra archivos adjuntos a menos que reconozca o confíe en el remitente. Si considera que el correo es un intento de suplantación de identidad (phishing), repórtelo utilizando la herramienta de reporte de phishing. Para cualquier pregunta o inquietud, contacte a cybersecurity@prepa.pr.gov.

Saludos cordiales.

Conforme a lo discutido en la reunión de ayer con la Junta de Directores, se había indicado que el proceso de negociaciones contractuales se iniciaría tan pronto se llevara a cabo la notificación de selección de los proponentes. Si bien la resolución emitida por la Junta autoriza expresamente el inicio de negociaciones, no se establece de forma explícita la autorización para emitir dicha notificación. No obstante, entendemos que lo que procede, conforme a lo acordado, es dar paso a la notificación de selección de los proponentes.

En ese sentido, procederemos a emitir la notificación correspondiente, y estaremos convocando a los proponentes para iniciar las negociaciones contractuales. Las reuniones iniciales están programadas para el lunes a las 9:00 a.m. y a las 2:30 p.m., respectivamente, con el fin de discutir los términos y condiciones del contrato, y evaluar la posibilidad de llegar a acuerdos con la Autoridad de Energía Eléctrica.

Quedo atenta a cualquier comentario adicional.

Atentamente,
Mariela Quiñones

mczapata23@outlook.com

From: Mary C Zapata-Acosta
Sent: Saturday, May 10, 2025 3:47 PM
To: Mariela Quinones
Cc: Colón Ortiz, Josúe A. (AAPP); Lionel E Santa Crispín; Juan Gonzalez; ocarlo@carlolaw.com; Fabian Velez; Yolanda Velez; Miguel Garcia; Blanche Gonzalez Hodge
Subject: Re: Inicio de procesos de negociaciones-RFP de Emergencia Temporera de Generación

Saludos, licenciada Quiñones

Gracias por su respuesta.

En respuesta a su mensaje, deseo aclarar un par de asuntos. Primero, es necesario recordar que ni esta servidora ni los miembros de la Junta de Gobierno de la AEE tenemos que dar instrucciones detalladas y específicas sobre cada paso del proceso de evaluación y adjudicación del RFP, ya que la ejecución de dicho proceso fue delegada en el Comité Evaluador del 3PPO. La reunión de ayer fue citada para ofrecer la presentación de la evaluación del RFP a la Junta de Gobierno y pedirles autorización para comenzar negociaciones de contratos con los proponentes recomendados. En todas las comunicaciones y reunión previas así lo habíamos hablado y entendido. Por esto, tanto la Resolución de la Junta como la carta de esta servidora solo hablan de la autorización de comenzar las negociaciones de los acuerdos con los proponentes recomendados.

También es necesario recordar que tanto el Consultor Jurídico de la AEE, Lic. Lionel Santa, como los miembros del Comité Evaluador son responsables de iniciar las negociaciones en cumplimiento con las leyes y reglamentos aplicables. Si los requerimientos de ley conllevan el adjudicar el RFP antes de negociar el contrato, pues entonces así debe hacerse. Por esto, también aclaro que la comunicación que les envié anoche solicitando el inicio de las negociaciones conlleva el que se inicien las mismas en cumplimiento con las leyes y reglamentos aplicables.

Quedo pendiente a recibir el primer resumen ejecutivo de las negociaciones.

Cordialmente,

Mary Carmen Zapata Acosta
Directora Ejecutiva

Get Outlook for iOS

From: Mariela Quinones <mquinones@recomspr.net>
Sent: Saturday, May 10, 2025 3:15 PM
To: Mary C Zapata-Acosta <MARY.ZAPATA@prepa.pr.gov>
Cc: Colón Ortiz, Josúe A. (AAPP) <josue.colon@p3.pr.gov>; Lionel E Santa Crispín <LIONEL.SANTA@prepa.pr.gov>; Juan Gonzalez <jgonzalez@gmlex.net>; ocarlo@carlolaw.com <ocarlo@carlolaw.com>; Fabian Velez <fvelez@recomspr.net>; Yolanda Velez <yvelez@recomspr.net>; Miguel

Garcia <mgarcia@recomspr.net>
Subject: Inicio de procesos de negociaciones-RFP de Emergencia Temporera de Generación

[CAUTION] This email originated from outside of PREPA. Do not click links or open attachments unless you recognize or trust the sender. If you believe the email is phishing, please report it using the phishing report tool. For any questions or concerns, please contact cybersecurity@prepa.pr.gov.
[PRECAUCIÓN] Este correo proviene de fuera de la AEE. No haga clic en enlaces ni abra archivos adjuntos a menos que reconozca o confíe en el remitente. Si considera que el correo es un intento de suplantación de identidad (phishing), repórtelo utilizando la herramienta de reporte de phishing. Para cualquier pregunta o inquietud, contacte a cybersecurity@prepa.pr.gov.

Saludos cordiales.

Conforme a lo discutido en la reunión de ayer con la Junta de Directores, se había indicado que el proceso de negociaciones contractuales se iniciaría tan pronto se llevara a cabo la notificación de selección de los proponentes. Si bien la resolución emitida por la Junta autoriza expresamente el inicio de negociaciones, no se establece de forma explícita la autorización para emitir dicha notificación. No obstante, entendemos que lo que procede, conforme a lo acordado, es dar paso a la notificación de selección de los proponentes.

En ese sentido, procederemos a emitir la notificación correspondiente, y estaremos convocando a los proponentes para iniciar las negociaciones contractuales. Las reuniones iniciales están programadas para el lunes a las 9:00 a.m. y a las 2:30 p.m., respectivamente, con el fin de discutir los términos y condiciones del contrato, y evaluar la posibilidad de llegar a acuerdos con la Autoridad de Energía Eléctrica.

Quedo atenta a cualquier comentario adicional.

Atentamente,
Mariela Quiñones