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From:	Magda Brito-Rivera
Sent:	Thursday, November 13, 2025 10:41 AM
To:	ocarlo@carlolaw.com
Cc:	Mary C Zapata-Acosta; Colón Ortiz, Josué A. (AAPP); Lcdo. Francisco J. Domenech; Alexis G. Rivera-Medina; Blanche Gonzalez Hodge; lionel.santa@p3.pr.gov; Juan Gonzalez
Subject:	PREPA's Response to Communication Regarding Javelin Global Commodities
Attachments:	PREPA's Response Communication Regarding Javeline Global Commod.pdf

Good morning, Mr. Carlo:

Attached is a letter from Mary C. Zapata Acosta, Chief Executive Officer of the Puerto Rico Electric Power Authority, regarding PREPA's Response to Communication Regarding Javelin Global Commodities.

We would kindly appreciate your confirmation of receipt of this communication.

Cordially,

Magda Brito-Rivera
Asesora Ejecutiva

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PUERTO RICO
ELECTRIC POWER AUTHORITY
PREPA
GOVERNMENT OF PUERTO RICO

Mary C. Zapata Acosta
Executive Director

November 13, 2025

Via Email
ocarlo@carlolaw.com

Mr. Osvaldo Carlo, Esq.
President
Third-Party Procurement Office (3PPO)

Dear Mr. Carlo:

Re: PREPA's Response to Communication Regarding Javelin Global Commodities

The Puerto Rico Electric Power Authority (PREPA) acknowledge receipt of your correspondence dated November 11, 2025, summarizing Javelin Global Commodities US Holdings, Inc. (Javelin) request to revisit and modify several non-negotiable terms and conditions established in the Emergency Temporary Generation Request for Proposals (RFP) No. 3PPO-0314-20-TPG2. According to your communication, Javelin is asking that PREPA, the Puerto Rico Energy Bureau (Energy Bureau), the Fiscal Oversight and Management Board (FOMB), and other government stakeholders reevaluate certain commercial terms that the proponent claims are inconsistent with industry standards, notwithstanding that these requirements were known to all proponents throughout the RFP process.

Your communication further states that, because the Third-Party Procurement Office (3PPO) understands its role to be strictly administrative and facilitative, it intends to elevate Javelin's request to the Government of Puerto Rico for a determination as to whether the RFP terms should remain as written or be modified. PREPA must clarify that this approach overlooks the express directives issued by the Energy Bureau.

As the 3PPO is aware, the Energy Bureau approved the acquisition of temporary generation capacity and ordered PREPA to take specific actions. Among these directives, PREPA was ordered to notify the Puerto Rico Public-Private Partnerships Authority (P3A) to activate the services of the 3PPO, precisely because Genera PR, LLC was classified as a restricted party. Consequently, P3A and the 3PPO were the entities mandated to conduct the procurement process and select the proponents, not PREPA.

Moreover, the terms and conditions of the RFP were determined by P3A and the 3PPO under the statutory framework of Act 120-2018. PREPA did not design, draft, or dictate those requirements; rather, PREPA participation is to receive the information and

recommendation of the P3A and the 3PPO once the process is final to review, approve and execute accordingly.

In this context, PREPA finds it highly concerning that Javelin is now attempting to renegotiate or alter the RFP terms after previously certifying its full acceptance of those terms and conditions. During the evaluation process of the RFP documents submitted by the 3PPO, it was expressly represented and understood that all three proponents, including Javelin, had formally certified compliance with and acceptance of the RFP requirements without exceptions. Any effort at this stage to reopen or renegotiate those parameters undermines the integrity, transparency, and competitiveness of the procurement process. Furthermore, modifying the RFP terms at this point could place all involve entities in a situation similar to the one previously created when the Energy Bureau altered procurement parameters mid-process.

Considering the above, PREPA reiterates the importance of the 3PPO fulfilling its role in accordance with the Energy Bureau's directive and the applicable legal framework. The 3PPO's letter did not indicated the 3PPO's recommendations or the P3A's position regarding Javelin's request. Being a transaction governed by Act 120-2018, PREPA cannot modify the RFP terms established by P3A. PREPA's role is to review, approve, and execute the recommended or awarded contracts by the 3PPO, once all necessary documentation is received, ensuring full compliance with all legal requirements.

PREPA expects the 3PPO to act within the scope of its delegated authority under the RFP process and will await the 3PPO's report with the negotiations results and the draft contracts, which must be reviewed by PREPA prior to being submitted for the corresponding approvals.

Cordially,

Mary C. Zapata-Acosta
Executive Director

c Josué A. Colón Ortiz, Executive Director, P3A; josue.colon@p3.pr.gov