Attachment II- Questions and Answers Document

The Government developed this questions and answers document to address frequently asked questions regarding the DLA Energy Basic Ordering Agreement (BOA) Request for Proposals (RFP), SP0604-22-R-0417, herein known as the BOA RFP. This document is intended to "live & change" with the life of the BOA RFP (5 years); the version and date will be reflected in the footer of this document.

1. **Question:** What is a Basic Ordering Agreement (BOA)?
   Answer: A BOA is a written instrument of understanding, negotiated between an agency, contracting activity, or contracting office and a contractor that contains the following:
   a. Terms and clauses applying to future contract orders between the parties during its term
   b. A description, as specific as practicable, of supplies or services to be provided; and
   c. Methods for pricing, issuing and delivering future orders under the BOA.

   A BOA is not a contract; it is an agreement. A BOA does not imply any agreement by the Government to place future contracts or orders with the contractor.

2. **Question:** What if I am an interested party but do not have a BOA with DLA Energy?**Answer:** See Q&A number 6.

3. **Question:** How is this RFP different than how DLA Energy has procured Renewable Energy Certificates (RECs) in the past years?
   Answer: The difference is the acquisition vehicle. In 2015, DLA Energy decided to utilize a BOA RFP instead of the Purchase Order RFP that was issued in prior years, largely because of how DLA Energy's customers pay for RECs. Due to the evolution of electronic payment systems, it is no longer reasonable for DLA Energy's Customers (installations purchasing RECs under prior DLA Energy Contracts) to manually submit the DLA Energy Contract to their individual payment office as a vehicle for Contractor payment. Instead, offices were creating a separate order on top of DLA Energy's Purchase Order. The BOA allows DLA Energy Customers to create their own Request for Quote and Purchase Order, thereby mitigating any payment or contract duplication infractions. As a result of the evolution of renewable energy, DLA Energy is reverting back to the use of a BOA for the years 2022-2026.

4. **Question:** Which Agencies can order from BOA Holders?
   Answer: Only Ordering Agencies listed in Section H, Table 1- Authorized Ordering Agencies are authorized to issue Requests for Quotes under this BOA.

5. **Question:** What steps do Government Agencies need to take in order to utilize the DLA Energy BOA?
   Answer: Any interested Government Agency should call the BOA administrative points of contact listed on the BOA RFP's SF1449 Block 7a and 7b to discuss their options. Since the BOA has a maximum ordering capacity, the request shall be submitted to DLA Energy. If the ordering capacity is not exceeded, DLA Energy will require the following:
      a. A signed Statement of Understanding for authorized Government users

b. Proof of the Government official's certificate of appointment as a Contracting Officer, or designation as the Government Purchase Card (GPC) holder (if applicable)
c. Contracting Officer Representative (COR) designation letter (if applicable)

Upon successful completion and submission of the required materials, the agency will be added to:

a. The list of agencies DLA Energy orders on behalf of; OR
b. The list of authorized Ordering Agencies listed in Section H of the BOA RFP (either via amendment of the open and continuous RFP or via a modification to BOA(s)).

6. **Question:** Who can respond to Requests for Quotes?
Answer: Any interested party; however contractors must be able to submit a proposal to DLA Energy in response to the BOA RFP (SP0604-22-R-0417) AND become a BOA Holder. An authorized Ordering Agency will issue a RFQ in accordance with FAR 16.703(d). As stated earlier, all interested parties must enter into a BOA with DLA Energy before the Ordering Agency may enter into a binding contract because a BOA establishes the terms and clauses incorporated by reference in resultant Purchase Orders (POs).

7. **Question:** What constitutes a binding contract?
Answer: For the purpose of supplying RECs, the BOA terms constitute a binding contract when the Ordering Agency offers the BOA Holder a Purchase Order (PO) and the BOA Holder accepts it in writing. **All POs shall be accepted by the BOA Holder "in writing," as defined in FAR 2.101.**

8. **Question:** What is the difference between orders DLA Energy executes for RECs under this BOA compared to the orders issued by the individual installations themselves under this BOA?
Answer: There is no difference. DLA Energy will continue to service those agencies which can manually submit a DLA Energy PO as the single method to issue payment by their Agency. For those individual installations who cannot use a DLA Energy PO as the sole contracting document to issue payment and they have the authority to use the BOA as an ordering vehicle (pursuant to the Section H of the BOA), then they shall solicit, award, and process payment for their own Agency utilizing the terms and clauses of the BOA. An authorized Ordering Agency may incorporate local clauses that differ from the orders DLA Energy executes (e.g. invoice clause), as long they do not contradict the BOA terms and clauses. See also Q&A 3 and 4.

9. **Question:** Are there any limits to the dollar amount ordered?
Answer: Yes, $12.5M is the maximum ordering capacity for all orders issued amongst all BOA Holders over the 5 year ordering period **cumulatively**. Although each BOA Holder has a maximum ordering capacity not to exceed $12.5M; each order placed against any BOA will reduce that ordering capacity for all BOA Holders, continuously for the 5 years the BOA is established, or until the $12.5M capacity is extinguished, whichever is earlier. The DLA Energy Program Guidelines require each order to be reported to the DLA Energy BOA administrative

Contract Specialist in order to ensure the BOA maximum capacity is not breached.

10. **Question:** How does DLA Energy know how many orders have been written, or what the executed dollar value is "to date"?
    Answer: DLA Energy will maintain a log to track the overall BOA's ordering limitations to ensure the maximum capacity is not breached. Each written order shall reference the DLA BOA Holder's Agreement number, and a DLA Energy generated sequential BOA number (DLA + 4-digit sequential number). Once awarded, that Agency will be required to send DLA Energy a copy of the order.

11. **Question:** Can an Agency purchase item(s) that are not listed in the BOA, Section B.
    Answer: No. Agencies cannot purchase items that are not defined in Section B of the BOA. If the market, or Government goals change over the course of the life of the BOA, please send a request to dlaenergy.eteam@dla.mil and DLA Energy will consider a modification, should it be determined in scope.

12. **Question:** Are Agencies permitted to use multiple NAICS codes to specify the type of REC being purchased?
    Answer: No. In accordance with Part V Small Business Administration 78 Fed. Reg. 191 (Oct 2, 2013), the predominant North American Industry Classification System (NAICS) code and size standard is required for all contracts, as well as for all orders. Based on this, DLA Energy determined the most predominant NAICS Code to be 221115- 'Wind Electric Power Generation'. NAICS 221115 shares the same Size Standard as all other supplies identified in the Request for Proposal (RFP) Section B, Supplies to be Furnished; thus any one NAICS chosen would not alter the opportunity for a small business set aside.

13. **Question:** Is the BOA RFP (SP0604-22-R-0417) set aside for small businesses?
    Answer: Yes.

14. **Question:** Can a contractor become a BOA holder at any time?
    Answer: Yes; provided they can meet the qualifications identified in BOA RFP SP0604-22-R-0417. DLA Energy will not limit qualified offerors from submitting a proposal during the 5-year life of the BOA. The BOA RFP will be open continuously.

15. **Question:** Is payment by Government Purchase Card (GPC) authorized and required to be accepted by all contractors?
    Answer: Yes, except as provided in FAR 32.1108(b)(2), the Government wide commercial purchase card is authorized for use in making and/or paying for purchases of supplies, services,

or construction. The Governmentwide commercial purchase card may be used by contracting officers and other individuals designated in accordance with FAR 1.603-3 and as indicated in Section H, Table 1 - Authorized Ordering Agencies. The card may be used only for purchases that are otherwise authorized by law or regulation (reference FAR 13.301(a)).

17. **Question:** Can an authorized Ordering Agency (who follows all DLA procedures) order a REC from BOA Holders at any time during the 5-years the BOA is posted on Sam.gov.
    Answer: Yes; however it is ***strongly recommended*** that all DLA Customers purchase RECs on a semi-annual basis, as scheduled by DLA Energy.

18. **Question:** How are RECs priced?
    Answer: In general, REC prices depend on a number of factors, including the technology, the vintage (year in which generation occurred), the volume purchased, the region in which the generator is located, whether they are eligible for certification, and whether the RECs are bought to meet compliance obligations or serve voluntary retail consumers. Natural gas prices, weather, and time of order can also affect the cost competitiveness of renewable energy generation, which is reflected in REC prices.
    All Ordering Agencies must understand that the price of the REC depends heavily on the supply and demand of the market. E.g. To ask for a FY22 REC at the start of FY 22 means that the vendors have to source the quantity from a competitive marketplace that only has a supply of six months' worth of RECs.

19. **Question:** Will "OLD" and "NEW" RECs be available for purchase?
    Answer: Yes. However, REC purchases are encouraged to be purchased based on federal regulation and individual agency requirements.

20. **Question:** What is a vintage and what are the requirements to meet the vintage terms?
Answer: Per the BOA RFP, Section C- Statement of Work/Specifications, paragraph (c)(4), Vintage is to mean "Vintage Date" or "Generation Date" which are interchangeable with respect to industry standards. Vintage is defined as the date that the electric generation associated with the REC was measured by the system operator or utility meter at the generator site.

To understand the Government's "Federal REC Vintage Timeline," see also Section C-Statement of Work/Specifications, paragraph (c)(5) for "Contract Year."