



RESPONSES TO REQUESTS FOR CLARIFICATIONS

Costa Sur New Generation Facility

RFQ 2026-01

Date Issued: March 12th, 2026

The following are responses to certain Requests for Clarification (“RFCs”) received in connection with the Request for Qualifications (“RFQ”) for the Costa Sur New Generation Facility issued by the Puerto Rico Public-Private Partnerships Authority (the “Authority” or “P3A”) on February 24, 2026, and other clarifications of general application to the RFQ based on a generalization of the RFCs received by the Authority. These responses are provided subject to the terms and conditions of the RFQ in all respects. As set forth in the RFQ, the responses are provided solely for clarification purposes. Any response provided by the Authority other than through an addendum issued in accordance with the RFQ shall not be binding on the Authority or PREPA and shall not change, modify, amend, or waive any requirement of the RFQ. Capitalized terms used but not otherwise defined herein have the meanings set forth in the RFQ.

CATEGORY 1: Questions submitted that will be addressed in the Request for Proposals (“RFP”)

1. **General Comment:** The following topics, among others, will be further detailed in the RFP.
 - a. PPOA draft distribution and negotiation timeline;
 - b. Bid security amount;
 - c. Performance security structures;
 - d. Binding Proposal deadline;
 - e. Proposal evaluation criteria;
 - f. Environmental Permitting;
 - g. Site access and control;
 - h. Interconnection Agreement process; and
 - i. Fuel supply infrastructure.
2. **Question: Will there be additional opportunities to submit RFCs between RFQ short-listing and Proposal submission?**
 - a. Response: Yes, P3A will facilitate another RFC process, with deadlines to be outlined in the RFP.

CATEGORY 2: Questions submitted that will be addressed in the Power Purchase and Operating Agreement (“PPOA”)

3. **General Comment:** The following topics, among others, will be further detailed in the initial PPOA draft.
 - a. Allocation of project risks, including provisions relating to Force Majeure relief events, schedule relief, and any potential cross-default or coordination mechanisms with the site control agreement;
 - b. Liquidated Damages;
 - c. Availability shortfall penalties;
 - d. Capacity Payment structures;
 - e. EAF calculations;
 - f. Security requirements;
 - g. Aggregate liability caps;
 - h. Notice to Proceed definition; and
 - i. PREPA Title III provisions.
4. **Question: What is the expected PPOA term?**
 - a. Response: The PPOA term is expected to be 30 years.

CATEGORY 3: Equipment/Operations Questions

5. **General Comment:** P3A can accept solutions using several smaller gas turbines or engines grouped so that each electrical block is roughly 150–200 MW, provided that the total capacity does not exceed 600 MW and that all equipment fits within the site boundary and layout constraints described in the RFQ. Single units should be no larger than approximately 200 MW. Respondent must ensure that the configuration physically fits on the land area that they select. Note that the capacity limitations in the RFC are driven by the System Operator's need for operational flexibility as well as reduced spinning reserve requirements.
6. **Question: Would the P3A consider a phased commissioning, allowing simple-cycle operation prior to combined-cycle operation to accelerate the availability of power to the grid?**
 - a. Response: Yes. The Authority would be willing to consider phased commissioning, whereby gas turbine units initially enter commercial operation in simple-cycle mode before completion of the combined-cycle configuration, if this approach demonstrably accelerates the availability of capacity to the grid and complies with all applicable technical, environmental and permitting requirements.
7. **Question: Should Respondents propose their most accelerated schedule targeting full commercial operation in 30 months from notice to proceed?**
 - a. Response: Yes. Respondents are encouraged to propose their most accelerated schedule to achieve the commercial operation date from Notice to Proceed. While P3A acknowledges that the market for gas turbines and other major electrical equipment remains constrained, market conditions continue to evolve, and Respondents should present the most accelerated achievable timeline based on current procurement and supply chain conditions.
8. **Question: Does the black-start capability requirement mean independent black-start, or can it rely on existing or nearby site infrastructure?**
 - a. Response: Yes, the black-start capability should be independent from other infrastructure.

CATEGORY 4: Team Member Questions

9. **Question: Confirm whether a legal entity may participate in the RFQ process simultaneously in the following capacities: (i) As an individual Respondent, submitting its own Statement of Qualifications; and (ii) As a shareholder or equity participant within a different Respondent, where such participation occurs through a company in which it is one of multiple shareholders and does not exercise control or a controlling interest.**
 - a. Response: This is not allowed. As stated in Section 4.2.2 of the RFQ, no Team Member may participate, directly or indirectly, as a Team Member with more than one (1) Respondent for this Project, in accordance with Article 9(d) of the PPP Act. Any violation of this provision by a Respondent will result in the disqualification of such Respondent and each of its Team Members. By contrast, any contractors, subcontractors, vendors, or third-party suppliers that do not qualify as a Team Member, as per the definition set forth in Section 2.4.2 of the RFQ, may be included in more than one SOQ, provided that their roles are clearly disclosed and appropriately delineated in each submission. Respondents should carefully review the exclusivity requirements and related definitions, including the Team Member definition in Section 2 of the RFQ.

10. Question: Section 2.4.1 requires the Lead Consortium Member to beneficially own at least 51% of the equity interests. Please clarify: (i) whether this requirement applies at RFQ submission, RFP submission, or only at PPP Contract execution, and (ii) whether adjustments to consortium equity ownership between the RFQ and RFP stages would be considered a material change requiring Authority approval.

- a. Response: At the RFQ stage, a Respondent only needs to identify the Lead Consortium Member; full compliance with the 51% beneficial ownership requirement is required at the time of RFP submission and must be maintained continuously throughout the RFP process and the term of any resulting PPOA. Furthermore, adjustments to equity ownership between the RFQ and RFP stages are permissible as a matter of process, given that the 51% requirement only crystallizes at the RFP submission stage. However, any material change in ownership or control after SOQ submission requires prior written approval from the Partnership Committee, which retains broad discretion to refuse.

CATEGORY 5: SOQ Evaluation Questions

11. General Comment: Section 4 of the RFQ 2026-01 describes the evaluation criteria and process for shortlisting Respondents.

12. Question: For Respondents that operate outside of the United States and are therefore not subject to U.S. Occupational Safety and Health Administration (“OSHA”) regulations, could the Authority kindly confirm whether the OSHA form requirement may be waived? Alternatively, would providing the equivalent safety data or the relevant safety performance ratios in the OSHA form format be acceptable to satisfy this requirement?

- a. Response: A Respondent may satisfy this requirement by submitting equivalent safety forms prepared in accordance with its applicable national or international standards, presented in a manner that is reasonably comparable to the OSHA form. In all cases, Respondents are expected to demonstrate that they are capable of complying with the health and safety requirements applicable to the construction and long-term operation of a Generation Facility in Puerto Rico.

13. Question: Given that Project Descriptions submitted at the RFQ stage are described as non-binding, please clarify the extent to which a Respondent's proposed unit configuration (including unit size, cycle configuration, and technology selection) may be refined or adjusted during the RFP stage without being deemed a material deviation from its RFQ submission.

- a. Response: Refinements to unit configuration, cycle configuration, and technology selection are permissible at the RFP stage, provided that they continue to satisfy the Minimum Project Requirements. The scoring of the Project Description at the RFQ stage is intended solely to assess the technical credibility and feasibility of the Respondent's proposed approach and does not bind the Respondent into that configuration at the RFP stage.

CATEGORY 6: Other Questions

14. Question: What is the expected PREB approval timeline for the Energy Compliance Certificate?

- a. Response: Please refer to Section 5(g) of Act 120 regarding the process and timeline relating to the issuance of the Energy Compliance Certificate.

15. Question: Please confirm that the Project is expected to be privately financed by the Private Partner, and that FEMA or other federal grant funds are not expected to directly fund construction of the new Generation Facility.

- a. Response: Yes, the Project is expected to be privately financed, and securing financing is the responsibility of the Respondent. However, Respondents are encouraged to investigate and, where appropriate, pursue federal or other available financing structures that may support the Project.