



RESS 1 Auctions

Frequently Asked Questions

April 2020

NOTE: Prospective RESS 1 Applicants should refer to the Terms and Conditions throughout. The following document is provided as a working document containing answers to frequently asked questions and is subject to change. The answers are provided for information purposes only and where there is any conflict between the answer provided here and the Terms and Conditions, the latter prevails. Please contact us if you have any outstanding queries at RESS@EirGrid.com.

Contents

1. Information	3
2. Qualification.....	4
2.1 General.....	4
2.2 Eligible Technology	8
2.3 Planning.....	9
2.4 Grid Connection	13
2.5 Directors Declarations.....	15
2.6 Change of Control	20
2.7 Offer Quantity	20
2.8 Bid Bonds	24
2.9 Community Led Project.....	26
2.10 Practical considerations	27
3. Changes/Withdrawal	29
4. Auction Information.....	30
5. Implementation	31
6. Landowner Consent	32
7. Principle Owner.....	33
8. Declaration of Bidding Independence	34

1. Information

1.1.1 Where can I find information on the dates and times of the RESS 1 Auction ?

We are currently operating to the latest RESS 1 Auction Timetable (R1AT) published as part of the RESS 1 Qualification Information Pack (R1QIP). Any update will be issued by email and made to the R1AT document.

1.1.2 Is the RESS 1 Auction going ahead in light of recent Coronavirus / Covid-19 developments?

Yes. The latest RESS 1 Auction Timetable (R1AT) published as part of the RESS 1 Qualification Information Pack (R1QIP) continues to apply. Any update will be issued by email and to the R1AT document.

In common with most large organisations in Ireland, we have detailed contingency plans in place to deal with a variety of scenarios related to Covid-19.

We have implemented a number of precautionary measures designed to protect all of our staff, while also ensuring the ongoing resilience and effective operation of the National Control Centres and Market.

Our plans are robust and updated to reflect the changing nature of the Covid-19 outbreak where appropriate.

1.1.3 Can you provide Applicants with a draft form of:

- (i) Landowner consent letter
- (ii) Declaration of independence (as described in section 6.4.10 of the T&Cs of RESS1)
- (iii) Expression of interest letter required from potential debt funders, required as part of the declaration of financeability described in section 6.4.8 of the RESS1 T&Cs?

The [Qualification Information Pack](#) was published on 09th March 2020 including:

- RESS 1 Auction Timetable (R1AT)
- RESS 1 Bid Bond Applicant Submission Form (R1BB1)
- RESS 1 Bid Bond Applicant Return Form (R1BB2)
- RESS 1 Application for Review Form (R1AR)
- RESS 1 Notice of Withdrawal Form (R1NW)
- RESS 1 Notice of Dissatisfaction (R1ND)

- RESS 1 Landowner Consent Confirmation (R1LCC)
- RESS 1 Templates for Director Declarations (R1DDs)
- RESS 1 Online Portal - Connectivity Information (R1CI)
- RESS 1 Qualification Process (R1QP)
- RESS 1 Offline Template (R1OT);

Evidence of expression of interests from potential debt funders is not required as part of the declaration of financeability described in section 6.4.7 of the Terms and Conditions.

2. Qualification

2.1 General

2.1.1 I am interested in participating in the RESS 1 Auction, how do I determine if I am eligible?

Eligibility requirements are set out in the [Terms & Conditions](#) in Section 6. These include:

- Project must be a New Project as defined in Section 2.
- Project must use one of the eligible technologies.
- Project must be of a minimum size of 0.5 MW (500 kW).
- Project must have final grant of planning permission.
- Project must have a connection offer or agreement (or be included in ECP-1 list).
- Project must have landowner consent.
- Project must be financeable under the Terms and Conditions.

Projects that do not meet all of the above are not eligible and should not apply.

2.1.2 Does RESS cover domestic rooftop solar or other domestic renewable installations?

No. RESS does not cover projects that are smaller than 500kW. Please see www.seai.ie for details of support schemes that apply to domestic installations.

2.1.3 Will a list of all participants who have been successful in their application to compete in the RESS 1 auction be published ahead of the auction? If so when?

Qualification decisions will be issued to each Applicant on a member private basis on the Provisional Qualification Decision Date. There is no provision in the Terms and Condition for a list of Qualified Applicants and RESS 1 Projects to be published before the auction. A list of all Successful Applicants and the location, size and Eligible Technology category of each successful Offer will be published after the auction *in accordance with 9.5 of the Terms and Conditions*.

2.1.4 As the online portal is still not available can you please list all the forms that are required to be submitted for the initial Qualification Application?

R1BB1, R1BB2, R1LCC, R1DD1, R1DD2, R1DD3, R1DD4, R1DD5, R1DD6, R1DD7

2.1.5 Do we submit the below forms with the qualification application next week? They were in the pack but I presume they are submitted at a later date, if at all:

- **R1AR Application-for-Review-Form**
- **R1NW Notice-of-Withdrawal-Form**
- **R1ND Notice-of-Dissatisfaction-Form**

R1AR, R1NW and R1ND will be submitted at a later date if at all.

2.1.6 Just with regards to the original proposed closing date of the 2nd of April for the online application via the online portal? Has this date been extended?

The Qualification Application Closing Date has been moved from 2nd April to 30th April 2020. A revised RESS 1 Auction Timetable will issue before 30th April 2020.

2.1.7 Can I ask whether the 4 week extension also applies to the subsequent RESS 1 deadlines (bid submissions, etc.) or just to the Qualification Application Closing Date?

The 4-week extension applies to all subsequent dates. An updated RESS 1 Auction Timetable will issue before 30th April 2020.

2.1.8 Can you clarify that the submission of documentation is via pdf upload on the online portal only and that hard copies of the submission are not required?

Director declarations must be sent to the RESS Operational Team in EirGrid offices via registered post. Full address is in Qualification Information Pack. See section 2.

2.1.9 A question for consideration regarding the Declaration of Financeability (R1DD3); there appears not to have the ability to confirm balance sheet finance – can either #3 (point 3) be deleted, else some wording to the effect of 'ability to balance sheet finance' etc.

The wording on R1DD3 will not be changed. Applicants are asked not to change the wording.

2.1.10 In respect of 6.4.9 (b) of T&Cs "The Applicant shall also provide a certified structure chart showing the ownership of the Applicant up to ultimate beneficial owner level;"if the Applicant for instance is owned by one Principal owner with a 60% ownership and two minority owners (each a company) with each having a 20% interest. Is it a requirement of the structure chart to then show the ultimate beneficial owners or the minority owners companies given they only own 20% of the Applicant and do not constitute beneficial owners?

In this example ownership details of the Principal owner and both minority owners should be provided.

2.1.11 The renewables industry is currently unclear as to what happened offered GWhrs in the event that implementation agreements are not accepted. For example if 500GWhrs of implementation agreements are not accepted, are these GWhrs offered to the marginal projects that did not clear in auction or is this capacity lost?

If a Successful Applicant does not execute an Implementation Agreement or post a Performance Bond with respect to a RESS 1 Project, they will have the Award rescinded and will not receive a Letter of Offer and the TSO will be entitled to draw down on the full amount of the Bid Bond. This Award is not made to any other Applicant.

2.1.12 6.4.11 Other Information T&Cs part (b) asks for a list of all entities with an ownership or equity interest in the RESS 1 Project and the same information required in paragraph (a) above for each such entity; I did not find this in the declaration of independent bidding though. What information is required here?

To satisfy 6.4.11 (b) we require the legal name and registered address or address of principal place of business of all entities with an ownership or equity interest that are listed in the Declaration of Bidding Independence. We also require the Applicant's company number. We do not require further details of entities with an ownership or equity interest beyond what is required under the Declaration for Bidding Independence.

2.1.13 I was wondering if this application has been extended any further or if it will be extended past 30 April?

An updated auction timetable will be issued shortly. At present the Qualification Application Closing Date is 30th April 2020.

2.1.14 Are the following answers acceptable for the sections in the on-line portal? 1)Description of the Renewable Energy Technology and the Equipment that will be Utilized for the Project . "Up to XXXX No. Solar PV Panels with up to XXX No. String Inverters "Is any more information required? If so can you please provide examples of what level of detail you require? 2)Description of the Overall Plant Size – Aggregate installed Rating for the project " Up to XX.XX MW (AC)". Is that sufficient information? If not, can you provide examples of the level of detail you require please?

For the *Description of the Renewable Energy Technology and the Equipment that will be Utilized for the Project*, we require sufficient information here to establish that the RESS 1 Project is an Eligible Technology. On this basis, it is important to refer to the main components of the equipment e.g. the RESS 1 Project will comprise approximately X to Y solar PV panels, invertors etc. or approximately X to Y wind turbines or approximately X to Y run-of-river turbines. For technologies listed in Annex A, sufficient information should provided that the project will be capable of meeting the requirements set out.

For *Description of the Overall Plant Size – Aggregate installed Rating*, please provide the approximate expected Installed Capacity (which is in MW AC) which should be within the limits set out in 6.4.12. A single number should be provided rather than a range.

The TSO would like to assure prospective Applicants that (as is outlined in the RESS 1 Qualification Process R1QP published as part of the RESS 1 Qualification Information Pack) should we require clarification with regard to these items that we will contact you. We understand that applicants are keen to provide the correct information and if we identify an issue where we consider that we do not have enough information, we would seek clarity from the Applicant before making the provisional qualification decision.

2.1.15 This question relates to the merging of two individually qualified assets post the qualification date of April 30th and prior to Bid Offer submission date. In respect to submitting an Application for Qualification, Section 2.4.2 of the RESS 1 FAQ document states that a letter is required from the relevant System Operator confirming receipt of a complete application to change the contracting party in a Connection Agreement or an ECP-1 Applicant (legal entity) to the Applicant and to merge the projects under one Connection Agreement / ECP-1 Project.

This is clear. Is it possible however to merge two ECP-1 assets post Qualification and prior to Bid Offer Submission? For example, two assets successfully qualify on a stand-alone basis however post qualification (30th April) we wish to combine the two assets and modify the grid connection agreements to merge the projects under one Connection Agreement. Will a letter from the relevant System Operator suffice similar to the process mentioned above in Section 2.4.2. The reason for the question is that due to ECP-1 delays the projects have not yet been issued Connection Offers that can be accepted in order to submit a modification application prior to the 30th of April.

It is not possible to merge two RESS 1 Projects post Qualification.

2.1.16 Can you clarify if it is acceptable for a chartered accountant to certify the organisation structure chart to be submitted as part of the pre-qualification application as an alternative to a solicitor? We would greatly appreciate your response ASAP to allow us make suitable arrangements.

The organisational chart must be certified by a practicing solicitor who has an up to date practicing certificate and who is enrolled with the Law Society of Ireland and / or other native law society.

2.2 Eligible Technology

2.2.1 RESS 1 considers the target for meeting 70% renewable generation by 2030. Is offshore generation eligible?

Any project that meets the eligibility criteria set out in the RESS 1 Terms & Conditions is eligible to participate in RESS 1.

2.2.2 What information is required in the documents demonstrating compliance with Eligible Technologies?

Information that is expected in the Document Demonstrating Compliance with Eligible Technology relates to how the proposed RESS 1 Project complies with the Technical Requirements for Certain Eligible Technologies set out in Annex A. This is primarily for Biomass, Biogas and Waste HECHP and relates to how the proposed RESS 1 Project will comply with the requirements set out. Onshore Wind, Offshore Wind, Solar and Hydro do not need to provide further detail here (unless considered important by the Applicant).

2.2.3 On the "Compliance" tab on the Portal, we are asked for Confirmation of Compliance With Eligible Technology. It is our understanding that this item relates to eligibility of Biomass

technology. Please confirm that this is not relevant for On-Shore Wind and therefore On-Shore Wind applicants do not have to "tick the box" or upload compliance documentation.

Confirmation of compliance with Eligible Technology is a mandatory field. This does not specifically relate to Biomass Technology only. This is to confirm compliance with your selected Eligible Technology as per the Terms and conditions.

For example, if the eligible technology selected in On shore wind, then this box will need to be ticked confirming that your project is in compliance with section 6.4.3.

If the eligible technology selected in Solar, then this box will need to be ticked confirming that your project is in compliance with section 6.4.3 and so on for all Eligible Technologies.

2.3 Planning

2.3.1 Is it considered that planning for the grid connection is required to satisfy the condition that the site has full and final planning permission?

The grid connection does not need to have a final grant of planning permission in place for the purposes of qualification (only the facility).

2.3.2 Can an Offer Quantity which exceeds the current 'full and final' permitted capacity be submitted given that the expectation would be that a revised full and final permission would be received permitting a higher quantum pre-auction?

No. The Offer Quantity should reflect the documents as they apply on the 30th of April 2020.

2.3.3 The RESS-1 application pack states in Section, a final grant of planning is to be included as well as the relevant planning reference number and submitted. The T&Cs also state; *Minor planning amendments subsequent to the submission of the Application for Qualification are permissible, so long as there are no changes required to the information specified in Section 6.4.11.* The question relates to a scenario whereby a project enters the RESS-1 process, is successful and proceeds to the detailed drawing / construction phase. A decision is taken at this stage to amend the design of the site lay-out, for construction and operational reasons. The amended application will not change the information in the original Application for RESS Qualification, as the project site location and MEC capacity will remain unchanged. Please confirm that this scenario will not be considered a breach of the RESS-1 terms & conditions.

Minor planning amendments are allowed under the RESS 1 T&Cs so long as there are no changes to the information provided in Section 6.4.11.

2.3.4 Can you clarify the situation regarding planning permission, assuming a project has full planning permission in place when the Auction is run, however the planning permission expires within months of winning at auction, is the project in compliance of the RESS rules if it secures a subsequent planning permission before the first planning permission expires? Or in a situation where there is a gap of time between when the first planning expires and before the subsequent planning permission is secured?

See Declaration of Planning Consent (R1DD1) point 3. *(which states) I refer to the final grant of planning permission for the RESS 1 Project appended hereto and confirm that the planning permission for the RESS 1 Project does not have an expiry date or decommissioning obligation prior to the anticipated end of the term of RESS 1 Support for the RESS 1 Project.* To this end, a RESS 1 Project that cannot comply with this obligation should not sign the Declaration of Planning Consent (R1DD1).

2.3.5 Planning permissions—RESS1 application pack—should all planning consents be referenced (e.g. if there are 2 planning consents for the site), or the most recent? And what if there are subsequent minor planning amendments? The answer given during the Q&A session last week did not address a particular point that relates to the 'compliance' worksheet; it asks for the "date of full and final grant of the planning permission". We have two separate planning permissions that relate to one site but the cell in the worksheet only accommodates one date. So how best should we capture the second planning permission date e.g. insert the date of the oldest planning permission, or insert both, and provide a comment elsewhere in the application?

We suggest using the fields provided in the Application for Qualification to include information on the planning permission that covers the greater amount of Offer Quantity (in MW). Please note that both planning permissions must meet the obligations set out in the RESS 1 Declaration of Planning Consent (R1DD1). Please use the field titled 'other documents' to upload all additional relevant information pertinent to the second planning permission such as final grant, date granted etc.

2.3.6 Can you please clarify what exactly is defined by the planning 'expiry date' referred to in R1DD1 (Declaration of Planning Consent) point 3? Our understanding is that this refers to the expiry of the operational period allowed for in the permission e.g. 25 years from the date of the commissioning, and it is not referring to the duration of the planning permission e.g. 5 or 10 years from the date of final grant. Please confirm, as the answer in the most recent FAQ doesn't appear clear to me on this matter.

The 'expiry date of decommissioning' would refer to the end of the operational period. A planning permission would typically receive a condition limiting the operational period to a certain timeframe e.g.

25 years, when all structures would have to be decommissioned. The 'expiry date of permission' would refer to the end of the construction period. A planning permission would typically receive a condition limiting the construction period to a certain timeframe e.g. 5 or 10 years, when all construction would have to be completed. Expiry date in R1DD1 refers to the expiry date of decommissioning.

2.3.7 Previously Eirgrid advised where there are two planning permission to upload just the latest planning however our two grants of planning are for two separate portions of land that both utilise the same grid connection and are both owned by the Applicant. Therefore they are two separate grants of planning not simply an updated planning for the same portion of land, can Eirgrid please advise then if one planning permission gets uploaded in the planning section and the second as "other" information.

We suggest using the fields provided in the Application for Qualification to include information on the planning permission that covers the greater amount of Offer Quantity (in MW). Please note that **both** RESS 1 planning permissions must meet the obligations set out in the RESS 1 Declaration of Planning Consent (R1DD1). Please use the field titled 'other documents' to upload all additional relevant information pertinent to the second planning permission such as final grant, date granted etc.

2.3.8 In the compliance section of the portal, as well as the 7 directors declarations, 2 bid bond forms and Landowner consent form, there is a requirement for "Evidence of Full Planning Permission / Approval" in addition to the Declaration for Planning Consent. Is this required, and if so what sort of evidence is required?

Yes, evidence of full planning permission/approval is required. This will be a Final Grant of Planning Permission from a local authority or an Order from An Bord Pleanála.

2.3.9 On a potential onshore wind RESS-1 application, we have a site that currently has consent at a low tip height. After RESS-1 it is expected the project will not be competitive so will have to be scrapped if it cannot get re-consent. As such a RESS-1 bid at existing consent will be made for X MEC and the project built out on that basis if successful. Concurrently we will be seeking a new planning consent for the same MEC but with fewer turbines.

Question is therefore: if the re-consent is successful in time to build out for RESS-1 – can the project be built out with the new tip height and taking the same price if using the same MEC, but generating a higher number of GHr/yr?

(It appears to be in compliance with section 6.4.11 as per the T&Cs).

The concern is being excluded from future RESS if we were not allowed to build out under the new consent, but conversely it would be a loss of viable renewable GWhr if the project had to be built out under the old consent!

So long as the actual Installed Capacity is greater than 90% and less than 120% of the Offer Quantity (bid into the auction) and does not breach any of the legal requirements of the project (planning, site control, etc.) it can be built under the new re-consent if successful. If the project receives a Letter of Offer in RESS 1 it cannot participate in RESS 2.

2.3.10 Will a project pass pre-qualification if it has planning permission, but which currently expires between the end of pre-qualification and the auction date.

The project would not pass pre-qualification as it would not be possible for the Applicant to meet point.3 of the RESS 1 Declaration of Planning Consent (R1DD1) which states *I refer to the final grant of planning permission for the RESS 1 Project appended hereto and confirm that the planning permission for the RESS 1 Project does not have an expiry date or decommissioning obligation prior to the anticipated end of the term of the RESS 1 Support for the RESS 1 Project.*

2.3.11 There is some ambiguity around what planning permission numbers should be referenced within the application where there is more than one planning permission relating to a RESS 1 project application.

The FAQ document has been updated to remove any ambiguity. Please be advised that the relevant section no. is 2.3.5 and 2.3.7. In the case where there is more than one planning permission, the planning permission that covers the greatest amount of Offer Quantity should be included in the compliance section of the portal with details on the other(s) planning permissions included in the 'other documents' section. Please note that **both** planning permissions must meet the obligations set out in the RESS 1 Declaration of Planning Consent (R1DD1).

2.3.12 We are currently awaiting the full and final grant of planning permission for a revised solar PV layout for a site which has full planning permission, but for which the original planning permission did not have a compliance condition through which to discharge the amends to the layout required. The new planning permission if received will not alter the installed capacity in AC terms, nor the Offer Quantity, purely the dc capacity of the site through the use of more efficient and modern panels. For the avoidance of doubt, the site has not expanded and the red-line remains exactly the same as in the original application. Can you confirm that it would be considered as a minor amend under 6.4.4, given that there would be no changes to the information specified in 6.4.11?

The T&Cs state that *Minor planning amendments subsequent to the submission of the Application for Qualification are permissible, so long as there are no changes required to the information specified in Section 6.4.11.*

2.4 Grid Connection

2.4.1 My project has changed ownership/control and I am in the process of changing the contracting party to the Connection Agreement or the ECP-1 Applicant (legal entity), what should I do?

A RESS 1 Project can have only one Connection Agreement or be issued with one Connection Offer through the ECP-1 process. Where the grid contracting party or ECP-1 Applicant (legal entity) listed on the connection agreement or ECP-1 list is different from the Applicant, a letter is required from the relevant System Operator confirming receipt of a complete application to change the contracting party in a Connection Agreement or an ECP-1 Applicant (legal entity) to the Applicant. Where a letter is not available in the timeframe, please provide the completed documentation submitted to the relevant System Operator.

2.4.2 I have merged two projects under a single Applicant and I would like to submit an Application for Qualification as one RESS 1 Project, what should I do?

A RESS 1 Project can have only one Connection Agreement or be issued with one Connection Offer through the ECP-1 process. Where the Applicant is seeking to submit a single RESS 1 Project based on two or more merged Connection Agreements or ECP-1 Projects, a letter is required from the relevant System Operator confirming receipt of a complete application to change the contracting party in a Connection Agreement or an ECP-1 Applicant (legal entity) to the Applicant and to merge the projects under one Connection Agreement / ECP-1 Project. In the case of merge between two connection, the submitted application is not sufficient and confirmation in the form of a letter is required from the relevant System Operator is required.

2.4.3 My project SPV for RESS has recently been set up. My ECP-1 grid offer however will issue to a parent company. Do I need to change the legal entity before the ECP-1 offer issues? Or can this be completed after offer acceptance.

A RESS 1 Project can have only one Connection Agreement or be issued with one Connection Offer through the ECP-1 process. Where the grid contracting party or ECP-1 Applicant (legal entity) listed on the connection agreement or ECP-1 list is different from the Applicant, a letter is required from the relevant System Operator confirming receipt of a complete application to change the contracting party in a Connection Agreement or an ECP-1 Applicant (legal entity) to the Applicant. Where a letter is not

available in the timeframe, please provide the completed documentation submitted to the relevant System Operator.

2.4.4 Can you confirm that a Community Led project applying to be included in the 1st RESS action is not required to be an ECP-1 project nor have a contracted grid position?

In section 6.4.5 of the RESS 1 Terms & Conditions, each RESS 1 Project must be (i) a Grid Contracted Project or (ii) an ECP-1 Project that is eligible to be processed to receive a valid connection offer, in both cases with a capacity at least equal to the Offer Quantity of the relevant RESS 1 Project.

2.4.5 MEC in grid offers is provided in MVA and not in MW. Would you confirm that we should use the MVA values for our Application for Qualification ?

One example: the Maximum Export Capacity for one project is 4,211kVA in our Grid Offer. Can we use 4,211 as the MEC value in the Application (and also as Offer Quantity) ?

Maximum Export Capacity and Offer Quantity are both in MW. The Connection Agreement should contain both MVA/kVA and MW/kW values and the MW value should be used.

2.4.6 Some of my projects are still waiting grid connection offers from ESB.

Can you please provide guidance as to how we are to provide the following declaration; Declaration of Financeability (R1DD3) given that we don't yet know the cost of our grid connection on these projects?

In absence of grid connection offer, the Applicant should seek information from the relevant System Operator on the connection method, which should help the Applicant to form a view on the cost associated with the grid connection.

2.4.6 We have received a grid connection offer for our project which is split into 2 phases. We intend to only bid phase 1 into the RESS 1 auction. Can you confirm whether the existing RESS 1 Project information on the portal will be updated, including the RESS 1 project name as this does not correspond with the grid connection offer phasing and subsequent Maximum Export Capacities.

The RESS 1 Project Name will not be updated. The most important reference is the RESS 1 unique identifier. It can be used by the Applicant to differentiate between projects, phases and MECs.

2.4.7 We have a RESS 1 targeted project with an ECP 1 connection into the local ESB substation. We are presently developing an additional generating station near to the first project. If the first

project is successful in RESS 1, can you expand the RESS 1 offer capacity if you are successful in developing the additional generating station in ECP 2 or must the additional generating capacity go through ECP 2 & RESS 2 auction process? If ESBN state that the grid connection for the first successful RESS 1 project (in Q1 above) can be shared with a second generator connecting through ECP 2 and applying through RESS 2 will this be allowed? Or is it possible to extend the RESS 1 project i.e. Phase 2 through RESS 2 and ECP2 and use the same grid connection?

Cannot change RESS 1 offer capacity after Qualification Application Closing Date for RESS 1. Additional generation can participate in any future RESS auctions.

Grid connections will not be influenced by the financial support arrangements of renewable generation projects.

2.5 Directors Declarations

2.5.1 Can you clarify if the director declaration forms require the director's signature on them? There does not appear to be any signature box included for the director.

Yes. The Declarations require signature by the director. The form is by way of a sworn affidavit which is sworn before a practising solicitor/ commissioner for oaths who would each know where such signature should be located on the form namely on the bottom left of the page. The format is pursuant to standard High Court templates and do not contain a line for the deponent to sign but it is understood where this takes place. Please also include the director's name in block capitals below the signature.

2.5.2 Will it be possible to have the director declarations signed digitally e.g. using software like DocuSign? This would allow for applications to proceed in the scenario where offices close due to Coronavirus impacts.

No. These are sworn affidavits and must be signed before (i.e. directly before and in the offices of) a practising solicitor or Commissioner for Oaths and not separately by the deponent at home.

2.5.3 Could you please confirm that any entities listed by the Applicant under section 6.4.9(c) will remain confidential, and will not be disclosed to anyone apart from the TSO, the Minister and the Regulatory Authority?

All information submitted in the Application for Qualification will be treated as confidential unless required to be published by the Terms and Conditions. The handling of Applicant information addressed in the online portal but can also be seen in the offline version (R1OT) provided in the QIP.

On the Preference tab there is a comment:

Acknowledgment that for the purposes of the administration of the RESS 1, the TSO is authorised to use information related to the Applicant and the RESS 1 Project, to communicate with the Applicant, the DCCA, the Regulatory Authority, the DSO and SEMO in order to ensure the proper functioning of RESS 1 and to ensure the accuracy of information included in the relevant statutory instrument for the PSO Levy for the relevant PSO Levy Year

On the Compliance tab:

I acknowledge that all information provided to EirGrid for the purposes of the RESS 1 Auction will be held by EirGrid only for the purpose of the RESS Auctions. EirGrid will hold this information securely in line with GDPR requirements and as set out in our Privacy Statement (links to both). We hold this information for the purposes of the RESS Auction procedure. The data will be stored electronically as it will be received electronically. EirGrid will hold all information in respect of the RESS 1 Auction until 31/12/2044. The data will be deleted by electronic means on 02/01/2045.

2.5.4 Will affiliates of any entities listed in Exhibit C of R1DD5 be considered included as part of the declaration?

As company structures vary considerably, it is not possible for the TSO to tell prospective Applicants what to include here. Prospective Applicants should take legal advice regarding which entities should be included here having regard to the requirements of the Terms and Conditions and their specific company structure.

2.5.5 We understand that for a project that intends to use debt financing a Director Declaration will need to be submitted as part of the qualification process. As per the Director Declaration template, a Director must certify that the project is “financeable....at the Offer Price to be submitted by the Qualified Applicant”. We understand “financeable” to mean expressions of interest have been received from funders; however the Offer Price will not be set by the closing date for applications. Please could you confirm expressions of interest received from debt funders are not required to reference the Offer Price in any way?

As part of the RESS 1 qualification process we don't require to receive expressions of interests or that they refer to the offer price. What is required is a declaration that the RESS 1 Application for Qualification is financeable under the RESS 1 T&Cs at the Offer Price to be submitted by the Qualified Applicant

2.5.6 Developers have been asked to sign each Declaration on the bottom left corner of each. Do you also require their name in block capitals there?

It would be useful to also include the name in block capitals under the signature in each director declaration.

2.5.7 Which director declarations need to be submitted with the application for qualification? Can you be precise about what is actually required to be submitted by the 2nd April?

All seven director declarations need to be provided in Application for Qualification. The Application for Qualification requires the following to be fully completed: -

R1BB1, R1BB2, R1LCC, R1DD1, R1DD2, R1DD3, R1DD4, R1DD5, R1DD6, R1DD7

2.5.8 As some of the declarations require witnessing by solicitors, we are currently experiencing unforeseen complications with our office and our solicitors' office closed (everyone working from home), can you advise if there's an acceptable alternative to the declaration being witnessed by a Solicitor?

At this point in time, director declarations must be made by sworn affidavit in line with the Terms and Conditions paragraph 6.4.2.

2.5.9 In view of the restrictions currently in place can we use electronic signatures for the Director Declarations and Commissioner for Oaths for uploading to the portal?

Electronic signatures cannot be used for director declarations which must be made by way of a sworn affidavit as per the T&Cs.

2.5.10 We understand that as part of the Application for Qualification there are a number of the director declarations that are required to be signed and witnessed by a solicitor. In light of the government restrictions in places in response to COVID-19 it is not possible to execute and witness these documents without breaching government restrictions on travel, business operation and social distancing. Please can EirGrid confirm that the requirement to witness declarations will be removed?

At this point in time, director declarations must be made by sworn affidavit in line with the Terms and Conditions paragraph 6.4.2. We are aware that this is causing problems and we are considering options with DCCAIE and The Law Society of Ireland.

2.5.11 Please confirm that it would be acceptable for a UK or Australian qualified practicing solicitor to witness the declaration/execution by the Director of the Applicant. Due to coronavirus travel restrictions it may be difficult for parties to coordinate with an Irish qualified practicing solicitor

Yes, as long the UK or Australian qualified practicing solicitor is registered with their native law society / governing body. Evidence of same to be uploaded in 'other documents'.

2.5.12 Our client will be swearing the statutory declarations in Germany. Please confirm there will be no issue with amending swearing block to each statutory declaration in order to follow due process in Germany for swearing of documents in presence of German lawyer.

The director declarations would need to be translated into German and compliant with German legislation on statutory declarations and an English copy also furnished to the German lawyer. Evidence of the German lawyer's suitable qualifications / enrolment with German Law Society or appropriate governing body should be provided in both English and German and uploaded in 'other documents'.

2.5.13 Is there scope to amend the director declarations to ensure they are factually correct? For example, in relation to the grid connection requirement, if a grid connection agreement for a RESS 1 project is the subject of a modification application to merge two projects into a single project and EirGrid has deemed that mod application complete, should the grid connection director declaration be amended to describe this status or is it simply correct to say such an application is in compliance with grid connection requirements under the RESS T&Cs and therefore no amendment to the declaration is required?

It is not possible to amend the director declarations. Additional information should be uploaded to 'other documents'. Please see 2.4.2 of FAQ document on merging of projects.

2.5.14 For the Entity details list, should this be an entity which falls under Exhibit C-E?

All the entities listed in the R1DD5 should be included in the Entity Details list.

2.5.15 Please confirm that it would be acceptable for a UK or Australian qualified practicing solicitor to witness the declaration/execution by the Director of the Applicant. Due to coronavirus travel restrictions it may be difficult for parties to coordinate with an Irish qualified practicing solicitor. Additionally, please also confirm that it is ok if the practicing solicitor which witnesses the directors declaration execution is an in house employee of the applicant. This is standard practice internationally but would be grateful for your confirmation.

Yes, as long the UK or Australian qualified practicing solicitor is registered with their native law society / governing body. Evidence of same to be uploaded in 'other documents'. In Ireland it is recommended that an external practicing solicitor is used to witness documents i.e. not an in house employee of the Applicant.

2.5.16 Please confirm that the purpose of the declarations of independence is to assess the level of competition in each preference category of the auction for the purposes of determining the amount of capacity to be awarded in such preference categories. Please also confirm that applicants which are not independent will not be treated less favorably than applicants whose projects are fully independent of other projects.

The purpose of the declaration of independence is to assess the level of competition in each preference category of the auction. Applicants which are not independent will not be treated less favorably in the auction.

2.5.17 We have been advised that hard copies of the Director Declarations must, as well as being submitted via the online portal, be posted by registered post to the RESS Operational Team at EirGrid. This doesn't seem to have been mentioned in the Qualification Pack to date. Our question is - when is the final date for HARDCOPIES to be received by EirGrid (as opposed to the online submission, which we understand has a deadline of 30th April)?

Hardcopies are not required by the Qualification Application Deadline and should follow in the period after this date. We will specify this when we issue the updated auction timetable.

2.5.18 On the declarations, is it the home address or office address is expected here?

In the declaration, the address following the "I" in the first line should be the home address at a high level, it does not need to specify the exact address e.g. "I, Aodhagan Downey, of Marino, Dublin"

The address of the company should be provided with the company information.

2.5.19 I understand that electronic copies of documents R1DD1-7 must be submitted on the portal by 17:00 on April 30th, but what is the deadline for the hard copies arriving at the Eirgrid offices.

The deadline for the hard copies will be advised at the time of publication of the updated RESS 1 Auction Timetable.

2.5.20 On the last Q&A call (refer question 2.1.8), EirGrid noted that the hard copy original versions of the signed declarations need to be provided by the Applicant via registered post to a nominated EirGrid address in Ireland. Such a requirement was not previously apparent to us based on our review of the previously published materials. To this end, can EirGrid please clarify whether physical receipt of the hard copy original declarations by EirGrid is required by the Application Closing Date (30 April 2020) or is it just that the Applicant must have uploaded the soft copy versions into the portal by this date with a commitment that originals will

follow? If physical receipt of the hard copy original versions by EirGrid is “not” required by the Application Closing Date, how long afterwards does the Applicant have to send the originals by registered post (noting that signatories are based outside of Ireland)?

The hard copies of the signed director declarations are not needed by the Qualification Application Closing Date. We will confirm shortly when these are required.

2.5.21 I already have the director declarations signed with the high level company address on it, would you still accept this?

As is outlined in the RESS 1 Qualification Process (R1QP) published as part of the RESS 1 Qualification Information Pack, should we require clarification with regard to these items, we will contact you.

2.6 Change of Control

2.6.1 My project is changing ownership/control between the Qualification Application Closing Date and the RESS 1 Auction, what should I do?

Change of control is provided for so long as the Applicant does not change. Where there is likely to be a change of control of the Applicant during this period, the new Principal Owners should be listed in Exhibit C of the Declaration of Bidding Independence (R1DD5) as included in the Qualification Information Pack. A draft of this document can be found in the [Qualification Information Pack](#). Where the change of control occurs after the RESS 1 Auction, the Minister should be notified in accordance with Section 11.6 of the Terms and Conditions.

2.6.2 It is clear from the RESS Terms and Conditions and recent FAQ that a change of control in relation to an Applicant is permitted between submission of the Application for Qualification and the Offer Price provided the potential Principal Owner is listed in Exhibit C of the Application for Qualification. Can you please confirm that it will be sufficient to list a company group rather than the specific entity in that group that will become the Principal Owner where the exact entity is not yet incorporated or unknown? By way of example, is it acceptable to list: “Company X, any subsidiary of Company X or any group company of Company X”.

It is sufficient to list a company group rather than the specific entity in that group that will become the Principal Owner where the exact entity is not yet incorporated or unknown.

2.7 Offer Quantity

2.7.1 In the RESS T&C’s document under section 6.4.11 is stated that the Maximum Offer Quantity for this category is 5MW. Does this maximum apply regardless of whether or not the project is a Community Zero Bond Project? I.e. if it is not a zero bond project can the project then

compete in the Solar or All Projects Categories and have a capacity above 5MW but below the respective maxima for these categories i.e. 125MW and 600 GWh/year respectively.

The Maximum Offer Quantity that can be considered in the Community Preference Category is 5 MW. If an Applicant submits an Offer Quantity of greater than 5 MW for a Community-Led Project, they will not be considered in the Community Preference Category. If the Applicant has posted a Bid Bond and all other requirements are satisfied, the RESS 1 Project can be considered in the Solar Preference Category (where it satisfies the requirements) and in the All Projects Preference Category.

2.7.2 Please clarify the difference between the ‘Description of the Overall Plant Size – Aggregate Installed Rating for the Project’ and the ‘Offer Quantity (MW)’ fields in Section 3. Preference of R10T?

Offer Quantity is a numerical field only where applicants are to insert their Offer Quantity for RESS 1. This must be less than or equal to the Maximum Export Capacity. “Description of the Overall Plant Size – Aggregate Installed Rating for the Project” is a free text field where you can provide the expected Installed Capacity of the RESS 1 Project, which may be greater than the Offer Quantity but within the limits specified in the Terms and Conditions.

For example, a renewable generator may have a MEC of 50 MW. An Applicant when submitting an Application for Qualification can submit an Offer Quantity of no greater than 50 MW. The Applicant may be considering installing equipment with an Installed Capacity of 52 MW (and this would not result in a breach of its planning consents or other requirement). It should put 52 MW in Description of the Overall Plant Size – Aggregate Installed Rating for the Project. The Applicant may ultimately install 50 MW. So long as the actual Installed Capacity is greater than 90% and less than 120% of the Offer Quantity and does not breach any of the legal requirements of the project (planning, site control, etc.). This example is provided for information purposes. Please consult the Terms of Conditions for full specification of the limits that apply to Installed Capacity.

Material changes to the plant or equipment specified in the Application for Qualification need to be approved by the Minister in accordance with 11.2 of the Terms and Conditions. In the Application for Qualification, the basic components of the RESS 1 Project should be specified in the Application for Qualification. It is not necessary to specify equipment provider or the ratings of individual components.

2.7.3 We understand that the Offer Quantity for a Solar project would correspond to the AC Capacity of the plant, but that there would be no limitations to the DC capacity of the plant that is to be installed. Would you kindly confirm that this is the correct understanding?

The Installed Capacity in MWac does not limit the amount of DC capacity installed on the site.

2.7.4 “In all cases the Offer Quantity cannot be greater than the MEC contained in the grid connection offer or grid connection agreement” We understand that the Offer Quantity for a Solar project would correspond to the AC Capacity of the plant, but that there would be no limitations to the DC capacity of the plant that is to be installed. Would you kindly confirm that this is the correct understanding?

That is correct. The Installed Capacity in MWac does not limit the amount of DC capacity installed on the site.

2.7.5 Does the ‘Offer Quantity’ relate to the expected DC or AC installation? Would the bid bond be calculated on AC or DC MW power output? For example a solar farm with a 6MWac output (MEC) and a 7.98MWdc output (Max)

Offer Quantity is the amount that is being offered into the RESS 1 Auction and should be based on the expected AC output of the RESS 1 Project, which should not be greater than the Maximum Export Capacity specified in the Connection Agreement or ECP-1 decision for the RESS 1 Project.

Bid bond should be calculated on AC MW power output (Offer Quantity \leq MEC).

In the above example, the Offer Quantity should not exceed 6 MWac as the MEC is 6 MWac. The installed capacity of the project in MWac should not exceed 120% of the Offer Quantity e.g., if the Offer Quantity was 6 MWac, the installed capacity cannot be greater than 7.2 MWac (note the max export is still 6 MWac). The installed capacity in the RESS 1 Terms and Conditions is in MWac and does not limit the installed MWdc. Bid bond based on Offer Quantity of 6MWac -> €12,000.

2.7.6 When will the competition ratios and the MW volumes of applicants for each eligible technology to compete in the auction be confirmed?

Representative Maximum Quantity and Representative Minimum Quantity are included in the Terms and Conditions. The Final Competition Ratio will be published by the Regulatory Authorities and included in the Auction Information Pack. The Total Energy Available will not be published.

2.7.7 I have been through the latest FAQs document and T&Cs regarding the definition of Aggregate Installed Capacity, and would like it confirmed that this is the anticipated AC capacity installed at site.

Aggregate installed capacity is the *anticipated* AC Installed Capacity for the RESS 1 Project.

2.7.8 According to the Final RESS-1 T&Cs, offer quantity is to be provided in MW and cannot be greater than the MEC contained in grid connection offer or grid connection agreement. Grid connection offers/agreements detail the MEC in kVA as opposed to MW (see screenshot example).

Can I simply use the kVA number in the RESS-1 application as the MEC? Or does this need to be converted into a MW number using an assumed power factor? In this example, the MEC is 5253kVA, so can I input 5.253MW as my Offer Quantity?

The Offer Quantity must be submitted in MW in the Application for Qualification. Where it is unclear what the MW value is, please contact the connection team in the relevant system operator.

2.7.9 For example if I bid an offer quantity of 100MW and install 115MW and have a MEC of 110MW will the project receive full RESS support on the 110MW?

The terms and conditions are clear on this. A Successful Applicant in respect of a RESS 1 Project must have:

- Offer Quantity \leq MEC (see 6.4.13 of Terms and Conditions)
- Installed Capacity \leq 120% Offer Quantity (see 6.4.12 of Terms and Conditions)
- Output of the RESS 1 Project cannot exceed MEC (see 6.4.13 of Terms and Conditions)
- RESS 1 Project must be metered separately (see 5.5 of Terms and Conditions)
- RESS 1 Support paid on the loss adjusted metered quantity (see section 5.2 of Terms and Conditions).

The output of the RESS 1 Project in the example may exceed the Offer Quantity (but not MEC) and it will receive support on the loss-adjusted metered quantity associated with that so long as the RESS 1 Projects continues to meet all the Terms and Conditions (including the above).

2.7.10 Our single wind turbine project has an MEC of 499kW. (At the time of application it was uncertain if the cutoff for connection offers would be 'Less than 500kW' or a 'Maximum of 500kW'..... so we played it safe.

- **Can you please clarify if this project can enter RESS-1 as the minimum offer quantity is 1kW less than 0.5MW.**
- **As the auction is for MWh, is there any reason why it should be excluded?**
- **If for example this was a 4MW solar project the annual output would be equivalent to approx. 1.5MW MEC and would therefore be eligible to compete as the MEC is greater than 0.5MW.**

Minimum Offer Quantity is 0.5 MW or 500 kW as per the T&Cs (section 6.4.10). As the Offer Quantity must be less than or equal to MEC, any projects with MECs below 500 kW cannot satisfy the Minimum Offer Quantity and are not eligible for the RESS-1 competition.

2.7.11 My query relates to the existing response to Q2.7.9. Please confirm the following sequence is permissible under the RESS Terms and Conditions. I believe it is, but require further confirmation.

- - An eligible solar farm project has an MEC of 12MWac.
- - It may set its Offer Quantity at 10MWac.
- - It may have an Installed Capacity of 12MWac and there is no limit to the dc capacity installed on the site.
- - Full support on the Loss-Adjusted Metered Quantity of the Installed Capacity will be provided under RESS.
- - the response to Q2.7.9 can be fully relied upon and there is no question of a withholding of support with respect to all of the Installed Capacity, including that which is 20% above the Offer Quantity.

Answers are provided here and in the FAQ document are provided for information purposes only and prospective Applicants should seek their own independent legal advice and should not rely solely on this information.

2.8 Bid Bonds

2.8.1 Will RESS1 still require planning and connection offers ahead of time? If so, then why would a bid bond be considered somehow a better measure of shovel ready projects, in addition to the consents above?

Bid bonds are required to ensure that Applicants submitting an Application for Qualification and an Offer into the RESS 1 Auction follow through and sign an Implementation Agreement and post a Performance Security. In the absence of a Bid Bond, there is no adverse consequence for being successful in the RESS 1 Auction and then not signing an Implementation Agreement. It is important that Applicants that submit offers to the RESS 1 Auction are confident that they can deliver on the offer if it is successful.

2.8.2 Can you confirm the date when bid bonds must be posted?

The Bid Bond Posting Date is 30th April 2020.

2.8.3 If the information that is required to post the Bid Bond is released on 09th March, it will be challenging for it to be posted by the Bid Bond Closing Date of 02nd April?

The amount of bid bond required is the Applicant's Offer Quantity x €2k per MW (which cannot exceed the MEC). This should be known to Applicants prior to 2nd March. The details of bank accounts and process of posting bid-bonds will be available on 09th March i.e. 4 weeks prior to posting deadline.

2.8.4 For an entity entering a number of assets and associated bid bonds, can one bank transfer be made for the total bond amount required (including a reference of all individual RESS 1 Application Reference numbers) rather than multiple individual project bank transfers?

As Per 9.3.1 (c) of the T&Cs (where 'Applicant' corresponds to a single Application per each project), EirGrid shall only accept one Bid Bond submission per project. A bank transfer covering multiple RESS 1 Projects will not be accepted.

2.8.5 Can the necessary information to post Bid Bonds be released ahead of 09th March?

Information on the technical submission of the application and the posting of bid-bonds is included in the [Qualification Information Pack](#).

2.8.6 Is there VAT to be paid on Bid Bonds?

No.

2.8.7 Can you please confirm that multiple payments can be made via an account from a holding company for a number of subsidiary project companies?

- **SPV 1 Bond Payment – payment made through Holding Co Bank Account**
- **SPV 2 Bond Payment – payment made through Holding Co Bank Account**
- or
- **SPV1 Bond Payment – payment made through SPV1 Bank Account**
- **SPV2 Bond Payment – payment made through SPV2 Bank Account**

On the assumption that each 'subsidiary project company' relates to a separate RESS Application then yes, a holding company's account may be used for payment.

Note that it is critical that each RESS 1 Application Reference is indicated on the payment reference of the corresponding Bid Bond submission when making these payments.

2.8.8 If a project posts a bid bond, and is successful in pre-qualification, but following pre-qualification decides not to participate in the auction does it lose its bid bond?

Where the Applicant has submitted a Notice of Withdrawal by the Final Withdrawal Date, it would not lose its bid-bond. Where the Applicant has not submitted a Notice of Withdrawal by the above date and does not participate in the auction, it would lose its bid-bond.

2.8.9 Will a project lose its bid bond

1.If it's successful in prequalification and then withdraws

2.If it enters the auction but withdraws before the auction closes

3.If it is successful in the auction and then withdraws

The answers are as follows;

1. It will not lose its bid bond if it submits the RESS 1 Notice of Withdrawal Form (R1NW) to EirGrid by the Final Withdrawal Date.
2. It will lose its bid bond.
3. It will lose its bid bond.

2.9 Community Led Project

2.9.1 Can you please confirm if the RESS 1 DECLARATION OF COMMUNITY-LED PROJECT (R1DD6) needs to be submitted for non-community projects also? The guidelines refer to a requirement to submit 7 no. director declarations in all cases.

If not a community-led project, this declaration should be submitted to the portal BLANK.

2.9.2 If you post a bid bond and include yourself in the community pot, then you qualify in the community capacity section can you get your bid bond back or avoid the performance bond piece?

Only Community Zero-Bond Projects are exempt from providing Performance Bond. If an Applicant posts a Bid Bond for a Community Led Project in order to be considered in the All Projects Preference

Category (and Solar Preference Category, if applicable), they are not a Community Zero-Bond Project and therefore do not benefit from the exemption to provide Performance Bonds.

2.9.3 Can Community Zero-Bond Projects post a Bid Bond at a later stage?

There is no provision for Community Zero-Bond Projects to post bid bonds after the Bid Bond Posting Date.

2.9.4 Can you clarify that the Community Benefit contribution is for the RESS term and not for the lifetime of the project?

Community Benefit Contributions are for the RESS term of the project.

2.9.5 Could we have clarification on the establishment of a Community Benefit Fund? Is the contribution still set at €2/MWh of Loss-Adjusted Metered Quantity for all RESS 1 Projects?

The contribution is still set at €2/MWh of Loss-Adjusted Metered Quantity of the RESS 1 Project.

2.9.6 Whilst I understand that R1DD6 should be left blank for non-community projects does the blank form require swearing?

If R1DD6 is left blank i.e. not a community-led project, it does not need to be sworn. If sworn already, it will also be accepted.

2.10 Practical considerations

2.10.1 Where will the applications be processed and by who?

All applications will be processed by RESS Operational Team in EirGrid. Please contact RESS@Eirgrid.com if you have any questions that are not answered here.

2.10.2 Will the applications be downloaded/soft copy version and be uploaded online/postal submission?

Information on the technical submission of the application is included in the [Qualification Information Pack](#).

2.10.3 When will the link and credentials to the online portal be issued?

The links and credentials to the online portal were issued on 13/03/2020.

2.10.4 Where will I find the RESS application Reference number as required for submission of Bond?

Your RESS Application number will be assigned when you log in to the online portal.

2.10.5 Will it be possible to amend any details of the Application for Qualification after submitting it, if it is before the Application Closing Date on 2nd of April?

There will be no option for the user of the portal to reverse the submission of the application so we would like to emphasise the importance of reviewing all fields and documents prior to submitting the application. If an application is submitted in error, please reach out to the RESS Operational Team at RESS@Eirgrid.com.

2.10.6 Are there any requirements for defining the RESS 1 Project Name? Must these be consistent with the project names that were included in the drop down list on the Project Contact Information forms issued?

It will not be possible to amend the project names in the online portal. Please note that it will be your RESS application number which will be assigned when you log in to the portal which will be the most important reference to note for your Application for Qualification. There is also a field titled 'other documents' which we advise applicants to use for documents indicating any changes to their projects.

2.10.7 Is VAT Registration being required for the applications prior to the closing date of 2nd April?

The VAT registration number is optional for the application process. For the avoidance of doubt, not including a VAT number will not cause an Application for Qualification to be rejected.

2.10.8 Can the Applicant VAT Registration number for the RESS 1 Project be submitted after the qualification window closure date of the 2nd April 2020, in the event that it has not been issued to the Applicant before that date?

The VAT registration number is optional for the application process. For the avoidance of doubt, not including a VAT number will not cause an Application for Qualification to be rejected.

2.10.9 Can you advise if it is the ITM coordinates (as per RESS 1 Landowner Consent Confirmation (R1LCC) of the substation location, or the centre point of the whole Red Line boundary of the project that was submitted for planning that is required for the RESS 1 qualification application?

The ITM co-ordinates should be the approximate centre point of the Site (as defined in Section 2.1 of RESS 1 Terms & Conditions).

2.10.10 As per section 3. Preference of the R1OT form, can you please confirm if the site northing and easting can be anywhere within the site boundary or should be at the approximate mid-point, customer substation, etc.

The ITM co-ordinates should be the approximate centre point of the Site (as defined in Section 2.1 of the RESS 1 Terms & Conditions). However, we will accept ITM co-ordinates for any point on the Site e.g. the substation. If prospective Applicants have already completed elements of the Application for Qualification using a point on the site that is not the centre, they do not need to change this.

2.10.11 Under Section 4 "Compliance" of the Offline Template, please could you confirm whether the section "Confirmation of Planning Consent for ECP-1 Project" also applies to projects that are Grid Contracted Projects (e.g. a Project that received its grid connection under Gate 3). If not, is there a separate confirmation of planning consent required for these projects?

Confirmation of Planning Consent is required for both ECP-1 Projects and Grid Contracted Projects. The reference to ECP-1 Project here is a error. This field should be used for both types of project.

2.10.12 Where a project is made up of non-adjoining sites, can you confirm the co-ordinates to be used in the application form?

Use the co-ordinates of approximate centre point of Site nearest the transmission/distribution station.

3. Changes/Withdrawal

3.1.1 Is there a facility in place after the Qualification Application Closing Date to allow Applicants to notify of any changes in the Application? Example, where a project changes ownership either post submission of Qualification Application but before Final Qualification; or post Qualification but pre-Auction?

All details of the RESS 1 Project in the Application for Qualification need to be correct by the submission deadline of 30th April 2020. This information cannot be changed except where there is a clarification sought by the TSO. Change of control is provided for so long as the Applicant does not change. Where there is likely to be a change of control of the Applicant during this period, the new Principal Owners should be listed in Exhibit C of the Declaration of Bidding Independence (R1DD5) as included in the Qualification Information Pack. This document can be found in the [Qualification Information Pack](#). Where the change of control occurs after the RESS 1 Auction, the Minister should be notified in accordance with Section 11.6 of the Terms and Conditions.

3.1.2 There may be some changes to a project’s delivery risk assessment between end of March and final qualification in early June whereby applicant may wish to withdraw?

Where an Applicant is no longer seeking to participate in the RESS 1 Auction in respect of a RESS 1 Project, it shall submit a Notice of Withdrawal (R1NW) to the TSO prior to the Final Withdrawal Date using the required documentation set out in the Qualification Information Pack. This document can be found in the [Qualification Information Pack](#).

3.1.3 In light of the Covid-19 outbreak and the closure of some government functions in Ireland our application for project companies at the CRO may be delayed. In the event that these companies are not set up in time for the qualification is it possible for one company to apply and then if successful, transfer the project and the award to another company, and if so what is the process? Are there any restrictions on who projects can be transferred to assuming the transferee satisfies eligibility criteria?

Change of control of the Successful Applicant is provided for in section 11.6 of the Terms and Conditions. Our understanding is that there is no provision under the Terms and Conditions for transfer of a project or award to another company.

4. Auction Information

4.1.1 Can you provide more details on the offer process and winner selection?

Details of the offer process and winner selection are set out in the Terms & Conditions. Further details on the auction process will be included in the Auction Information Pack to be issued in June.

4.1.2 Will applicants know how much volume is being procured in each auction? Certain information regarding auction volume will be published for example Representative Maximum Quantity, Representative Minimum Quantity and Final Competition Ratio. However, the Auction Starting Quantity calculation is also based on Total Energy Available. Will this be published?

Representative Maximum Quantity and Representative Minimum Quantity are included in the Terms and Conditions. The Final Competition Ratio will be published by the Regulatory Authorities and included in the Auction Information Pack. The Total Energy Available will not be published.

4.1.3 What information will be provided to qualified applicants regarding the overall volumes to be procured in each category (prior to the application of any adjustments due to offer spreads)?

There is currently no provision in the Terms and Conditions for the TSO to publish the Total Energy Available or Auction Starting Quantities. As such, these will not be published.

4.1.4 We note that representative competition ratios will be released in advance of the auction application, so please confirm when these will be made available. Please also confirm that the final competition ratios will be released in June in line with the RESS auction timetable. Please also confirm why would the final competition ratio change from the representative competition ratio prior to the auction.

We understand from the CRU that the Representative Competition Ratios are expected to be published in the coming week. The Final Competition Ratios will be included in the Auction Information Pack, which will be available prior to the RESS 1 Auction. The Final Competition Ratios may change among other things where the level of market concentration as evidenced by the information submitted in Applications for Qualification is different from that which was assumed for the calculation of Representative Competition Ratios. Section 6.5 of the Ts&Cs state 'the competitive analysis undertaken by the Regulatory Authority for this purpose may consider certain factors including the distribution of ownership and commonality of control, pivotal supplier considerations, other market concentration considerations, and other factors as the Regulatory Authority in its sole discretion deems appropriate'.

4.1.5 Please confirm if clarity will be provided on the proposed implementation of the Clean Energy Package prior to the auction bid submissions, particularly in the context of articles 12 and 13 of the Clean Energy Package.

We understand from the CRU that a consultation paper will be published on this issue shortly. Any questions or concerns in this regard should be directed to the CRU through this consultation process.

5. Implementation

5.1.1 If successful at auction, what are the timelines for planning, implementation and delivery of the proposed project?

These are set out in Appendix 2 of the Terms and Conditions.

5.1.2 Can a RESS 1 Project be the subject of an appeal to An Bord Pleanála?

A RESS 1 Project cannot be the subject of an An Bord Pleanála appeal. As per Section 6.4.4 of the RESS 1 Terms and Conditions, any such final grant of planning permission may be the subject of a judicial review challenge or still within the 8 week period during which such a judicial review challenge may be commenced.

- 5.1.3 Based on section 8.4 of the T&Cs, it states that ‘The RESS 1 Project will not be eligible to participate in the next RESS competition.’; it is not clear from this that if an auction winner does not provide the required Performance Bond, that they would be prevented from entering future RESS auctions - Could this be clarified?**

The Successful Applicant is only prevented from participating in future RESS competitions where they have received a Letter of Offer. If they do not sign an Implementation Agreement and post the Performance Security, they will lose their Bid Bond. In this case, the Applicant will not receive a Letter of Offer and they are therefore not prevented by the RESS 1 Terms and Conditions from applying for future RESS competitions.

- 5.1.4 Please confirm the following in relation to the Letter of Offer (template provided at Appendix 1 of the Implementation Agreement - Annex B provided with the RESS Terms and Conditions). - that the MW listed in the fourth cell of the table on page 1 of the Letter of Offer will refer to the Installed Capacity and not the Offer Quantity.**

The Letter of Offer will refer to the Offer Quantity in MW.

6. Landowner Consent

- 6.1.1 Please confirm that no document needs to be signed by the landowner as part of the auction application process. In this respect, please confirm that Landowner Consent Confirmation (which gets signed by applicant) is the relevant – and only - form.**

The landowner consent form does not need to be signed by a landowner. No document needs to be signed by a landowner. The landowner consent form is the only form pertinent to landowner consent.

- 6.1.2 Does the landowner consent form (R1LCC) need to be put on company headed paper? The template given has 'TEMPLATE WORDING' written on it, so does this need to be removed?**

Please complete the landowner consent form as issued. There is no need to add/remove text or to put on company headed paper.

- 6.1.3 Can you clarify that the Landowner Consent Form (LCC1) only has to be signed by the Director and Legal Witness of the Applicant as per the EirGrid Template provided? On the last Q&A session reference was made to the Landowner having to sign as well as a**

Bank if there is a Bank Security on the land, however this is not in line with the EirGrid Landowner Consent Form template as provided.

Third parties such as Landowners and Banks do NOT need to sign landowner consent confirmation forms. These forms are similar to those that would have been submitted when prospective Applicants applied for their connection and they should be submitted on the same basis using the R1LCC template provided in the RESS 1 Qualification Info Pack.

6.1.4 There was reference to consent of any charge holder over the property being submitted as part of application process. This is not clearly set out in the information in circulation. It should be clearly set out or applicants may overlook.

Third parties such as Landowners and Banks do NOT need to sign landowner consent confirmation forms. These forms are similar to those that would have been submitted when prospective Applicants applied for their connection and they should be submitted on the same basis using the R1LCC template provided in the RESS 1 Qualification Info Pack.

6.1.5 Taking the below bullet points into consideration -Can the Landowner contract be novated from Holding Company A to SPV1 following RESS Application and prior to Auction Bid Price being submitted and if so what should be included in the company name for the Landowner Consent Confirmation Form (R1LCC).

- SPV 1 is owned by Company Holding A
- Applicant of RESS Project is SPV 1
- Contract with Landowner is Holding Company A
- Holding Company has same directors and SPV 1

Landowner Consent Confirmation Form (R1LCC) wording; *"Re: Application for Qualification of RESS 1 Project Name (__«ESB_Name»__) by («SPV_Name») [legal name of Applicant as detailed in Application for Qualification] to the Transmission System"*

Suggest including in the Landowner Consent Confirmation Form (R1LCC) - Application for Qualification of RESS 1 Project Name (XYZ) by (Holding Company A which owns SPV 1) with a note stating that Holding Company A and SPV 1 have the same directors.

7. Principle Owner

7.1.1 We have a query with regards to the Relationship to Applicant dropdown options in the Entity Details tab for Entity 5, 6 & 7 of the offline template. Pricing information on our project has been revealed by the Principal Owner and not by the applicant. With regards to the options available in the offline template dropdown list for Entity Relationship to the Applicant could the list of drop down options also include the below options please?

Entity to which (a) Principal Owner has revealed Pricing Information

Entity which (a) Principal Owner is aware of Pricing Information

Entity which (a) Principal Owner is aware of Contingent Arrangements

For the purposes of inputting this information in the portal, if it is the Principal Owner that has revealed pricing information to the entity, they should simply choose "Entity to which Applicant has revealed Pricing Information". The same applies in the other two cases.

7.1.2 We note that the dropdown options for the 'Entity Relationship to the Applicant' in the Entity Details section of the online portal do not include an option for entities which may become a Principal Owner prior to the Auction Submission Deadline date (i.e. Exhibit c (ii) of R1DD5). Can you please clarify if the details of such entities included in R1DD5 Exhibit c (ii) need to be filled out in the Online Portal and if so what dropdown option should be chosen?

Entities which may become a Principal Owner prior to the Auction Submission Deadline, which are listed in Exhibit c (ii) of R1DD5, should be filled out in the Online Portal.

If there is a reasonable degree of certainty that the entity will become a Principal Owner before the Auction Submission Deadline, the entity should be listed in the Qualification Portal as a Principal Owner. Otherwise, the entity should be listed as an "Entity to which Applicant has revealed Pricing Information".

7.1.3 Can you please clarify what should be done if the Principal Owners listed in Exhibit A of R1DD5 are individuals instead of companies. Must the individual's details be filled out in the Entity Details of the Online Portal in the same way as a company's would?

Yes, please list the individual's details in the Entity Details of the online portal.

8. Declaration of Bidding Independence

8.1.1 In R1DD5 Declaration of Bidding Independence - in Item 4 and Exhibit B - what is the meaning of the word "certified"? What are the practical implications of the structure chart needing to be certified? Is reproducing the structure chart in Exhibit B with the Director signing it sufficient? As the Certified Structure Chart is provided in R1DD5, is it still required to be uploaded separately to the Qualification Portal?

Certified means certified by a solicitor to be a true and accurate depiction of the Certified Structure having regard to any corporate documents. This is distinct from the declaration which is a sworn statement by the director. This needs added to R1DD5 and signed by the director making the declaration. All exhibits in R1DD5 must be signed by the director in accordance with the declaration at the beginning and then the declaration must be sworn in accordance the normal process for sworn affidavits. This document and the other director declarations should be uploaded to the Qualification Portal. Separately, the Certified Structure should be uploaded to the Qualification Portal in Certified Applicant Structure Chart field. This is mandatory field so please upload the certified structure here.

8.1.2 *"A list that describes the party to and nature of any agreements or arrangements that the Applicant or its Principal Owners are aware of that are contingent upon the result of the RESS 1 Auction"* is to be appended to the declaration of bidding independence. The definition is very broadly worded. Is it meant any agreement or arrangement that relates to the ownership of the applicant ? Or would any potential arrangements with lenders, construction companies, Suppliers...also need be disclosed there ? What type of description is expected ?

The purpose of this declaration is to understand to what extent one Applicant's offer is independent of another Applicant's offer for the purposes of competition assessments carried out by the CRU. As such, this requirement relates primarily to contingent arrangements that materially impact the offer submitted by the Applicant. e.g. Applicant A has entered into agreements or arrangements with Party C whereby Party C will enter into a PPA subject to certain conditions related to the price of the PPA being satisfied in the RESS 1 Competition. Applicant B has also entered into similar agreements or arrangements with Party C. While Applicant A and B based on their Declaration of Independence are otherwise independent, the CRU may form a view that Applicant A's offer and Applicant B's offer are not independent for the purposes of RESS 1.

8.1.3 Should any expressions of interest letters received from debt funders be listed under Exhibit E of the Director Declaration on Bidding Independence?

Exhibit E states *A list that describes the party to and nature of any agreements or arrangements that the Applicant or its Principal Owners are aware of that are contingent upon the result of the RESS 1*

Auction. To this end, the expressions of interest letters from debt funders should be listed but we do not need to see the expression of interest letters.

8.1.4 The Bidder Independence declaration is a forward looking declaration in that the declaration states the information must be true and accurate as at the date the application is submitted and as at the date the applicant later submits its auction bid (as per paragraph 8 of the declaration). In the event of a change of control of the Applicant during the qualification period (that is after application submission but pre bid submission), the previous owner will not be aware of what pricing information etc. the new owner may have disclosed, following the change of control, during the qualification period. Please confirm that the Applicant can, following such change in ownership, provide an updated bidder independence declaration when submitting its auction bid. The T&Cs do not expressly provide for this, as the end of 6.4.9 only allows the Applicant to provide any updates in regards changes to the Principal Owners and the structure chart.

The Applicant cannot provide an updated RESS 1 Declaration of Bidding Independence (R1DD5) when submitting its auction bid. A Qualified Applicant will be required to confirm that all information provided in accordance with Section 6.4.9 as part of its Qualification Application remains true and correct in all respects as at the date of submission of the Offer Price by the Qualified Applicant. Sale to an undisclosed third party can be compliant with the Terms and Conditions where commercial discussions commence after the Auction Submission Deadline Date (refer Section 6.4.9(c)). The time period between the Qualification Application Closing Date and the Auction Submission Deadline Date is effectively a standstill period with regards to commercial discussions for change of ownership to non-disclosed third parties and for other commercial agreements and arrangements pursuant to Section 6.4.9(e).

8.1.5 Please confirm that:

- **the Declaration of Bidding Independence is just shared with the Minister/regulatory entities as detailed in limb (f) of para 6.4.11 of the T&Cs; and**
- **the contents of the Declaration of Bidding Independence (and anything disclosed therein), will not be made public.**

EirGrid can confirm that the contents of the RESS 1 Declaration of Bidding Independence (R1DD5) will only be shared with the Minister/DCCAE/Regulatory Authorities and will not be made public.

8.1.6 A certified structure chart must be uploaded to the online portal and appended at Exhibit B to the Declaration of Bidding Independence (R1DD5). Does this need to be certified by a solicitor and if so is the solicitor certifying the actual content of the structure chart or just certifying that the structure chart uploaded is a true and accurate copy of the original document?

See FAQ 8.1.1. -

Certified means certified by a solicitor to be a true and accurate depiction of the Certified Structure having regard to any corporate documents. This is distinct from the declaration which is a sworn statement by the director. This needs to be added to R1DD5 and signed by the director making the declaration. All exhibits in R1DD5 must be signed by the director in accordance with the declaration at the beginning and then the declaration must be sworn in accordance the normal process for sworn affidavits. This document and the other director declarations should be uploaded to the Qualification Portal. Separately, the Certified Structure should be uploaded to the Qualification Portal in Certified Applicant Structure Chart field. This is mandatory field so please upload the certified structure here.

