

PS-2022-1

BURLINGTON ELECTRIC DEPARTMENT

RFP# PS-2022-1

Tuesday, September 27, 2022

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I. Request for Proposal

The City of Burlington, Vermont Electric Department (the "Department") invites proposals for energy supply.

II. Project Locations

585 Pine Street, Burlington, VT 05401

III. Detailed Requirements

A. Project

The City of Burlington Electric Department (the "Department") in Burlington, Vermont, invites proposals for renewable resources for energy supply and renewability. BED would request that proposal conform to the following:

Volume and Term Start – BED will consider delivery beginning immediately if needed based on price and other terms but would prefer resources beginning with 5 MW ATC/7.5 MW 7x16 in 2025 that scale up to 12 MW ATC/18 MW 7x16 in MW in 2027.

Term Length – Up to ten years for resources delivered to an ISO-NE node. Vermont based resources with a term longer than ten years will not be rejected on that basis.

Shape – 7x16, baseload, or demonstrably equivalent financial value whether unit contingent or not.

Renewability – Vermont Class I renewable energy at a minimum, BED will consider new renewable resources as well. RECs in an amount equal to the energy deliveries must be included. RECs may be separately priced for clarity/convenience. RECs from the units providing the energy are preferred.

Location – Delivered to an ISO-NE node by the seller is required, location in Vermont would be considered a positive factor.

Additional Products – BED will consider capacity or other ancillary products along with the Energy and REC purchase.

Energy should be related to a specific generating resource or resources.

Please include whether the proposal can be awarded at lower volumes than proposed.

To assist in the provision of a proposal, BED provides this forecast of energy requirements:

Calendar Year	ISO Exchange	Amount to 105% coverage
2023	33,647	16,842
2024	28,550	11,455
2025	-27,252	-44,573
2026	-56,533	-74,007
2027	-87,671	-105,140
2028	-87,438	-104,738
2029	-87,510	-104,806
2030	-87,285	-104,567
2031	-88,115	-105,408
2032	-87,576	-104,939
2033	-87,996	-105,364
2034	-92,457	-109,882
2035	-93,771	-111,263
2036	-120,462	-138,073
2037	-122,898	-140,548
2038	-155,391	-173,121
2039	-176,273	-194,070
2040	-177,806	-195,680

B. Scope of Work

Not applicable.

C. Proposal Format:

Part I -- Summary

This section should contain the name of the contact person, the mailing address, email address, and telephone number of the firm submitting the proposal, a summary of the company, and the service it will provide.

Part II -- Technical Proposal

This section should describe the proposer's approach and plans for accomplishing the Specifications. This section should contain but is not limited to the following:

Any contact with any employee that is not authorized by the Purchasing Department could be considered a violation of the RFP process and could make your submission null and void. All technical questions should be directed to Burlington Electric Department Purchasing Department (jturner@burlingtonelectric.com) and must include the RFP Number in the Subject Line. Responses to questions will be provided to all potential bidders via the RFP web site <https://www.burlingtonelectric.com/rfp>.

Part III -- Site Walkthrough

Not applicable.

Part IV -- Cost Proposal

Pricing – Fixed pricing preferred (pricing can escalate over time). Inflation-indexed adjusted pricing would be considered. Market indexed pricing is not desired.

Part V -- Professional Experience & References – Unit Information

Information should be provided on the generating unit or units that will be providing the energy supply, including status (planned, in construction, existing). For existing units, a history of hourly generation must be provided and, for planned or in construction units, a projection of hourly generation must be provided.

This section should contain all pertinent information relating to proposer's organization, personnel, and experience that would substantiate its qualifications to perform the services required by the RFP and all subcontractors that will be used to complete this project.

References must be submitted with proposals that demonstrate you have performed this type of work in the past. All subcontractors that are going to be used must submit evidence that they have performed this type of work in the past.

Part VI -- Additional Information

This section should contain any additional information that the proposer feels is pertinent information that has not been mentioned anywhere else in the RFP.

IV. Proposed Schedule

Milestone	Date
Release of Formal RFP	September 27, 2022
Last Date to Submit Written Proposal	Friday October 21, 2022 12/2/2022 (4:30PM EPT)
Evaluation of Proposals	October 24, 2022 +
Selection of contractor	Dependent on Review

V. Evaluation

Proposal evaluation criteria will include but are not limited to:

- Quality of the proposal
- Cost of the proposal along with any additional cost BED would incur.
- Market risks associate with the proposal (including but not limited to basis differential, reliability, energy shape, etc.)
- Qualifications and experience of company/personnel
- The ability to meet some (or all) of the requirements of the RFP
- Prior performance of the proposer on projects of similar scope and size
- Compliance with the terms, conditions, and other provisions of the RFP
- Timing of commencement of energy deliveries relative to need.

A. Amendment or Cancellation of RFP

The Department reserves the right to amend or cancel this RFP at any time if the best interest of the Department requires such action. The Department also reserves the right to award all or partial parts of the RFP to any or several suppliers or whatever is in the best interest of the Department.

B. Proposal Modifications

No additions or changes to any vendor's proposal will be allowed after the proposal due date unless such modification is specifically requested by the Department.

C. RFP Events and Timing

See section IV. Proposed Timetable

The timing and sequence of events from this RFP will be determined by the Department. The schedule is planned as above; vendor contacts will be notified of any amendment to this schedule during the RFP Process.

D. Proposal Expenses

The Department assumes no liability for payment of any expenses incurred by any vendor in responding to this RFP.

E. Acceptance or Rejection of Proposals

The Department reserves the right to accept or reject any or all proposals submitted for consideration in whole or in part; and to waive technical defects, irregularities, or omissions, if in its sole judgement the best interests of the Department will be served. The Department

further reserves the right to accept a proposal for a contract other than that with the lowest cost, and to negotiate separately with any source whatsoever in any manner necessary to serve the best interests of the Department. The Department also reserves the right to award all or partial parts of the RFP to any or several suppliers that are in the best interest of the Department.

F. Ownership of Proposals

All proposals submitted in response to this RFP shall become the sole property of the Department.

G. Oral Agreements and Arrangements

Any alleged oral agreement or arrangement made by a vendor with the Department or any Department employee will be disregarded in any Department proposal evaluation or associated award.

H. Energy Provider Presentation of Supporting Evidence/Surety

Vendors must be prepared to provide any evidence of experience, performance ability, and/or financial surety that the Department deems necessary to fully establish the performance capabilities represented in their proposals.

I. Vendor Demonstration of Proposed Services

Not applicable.

J. Vendor Misrepresentation or Default

The Department reserves the right to reject the proposal of any vendor and void any award resulting from this RFP to a vendor who materially misrepresents any product or defaults on any Department contract.

K. Erroneous Awards

The Department reserves the right to correct inaccurate awards resulting from its clerical errors.

L. Public Records

Due regard will be given for the protection of proprietary information contained in all proposals received; however, vendors should be aware that all materials associated with the procurement are subject to the terms of the Vermont Access to Public Records Act (1 V.S.A. Chapter 5, Subchapter 3) and all rules, regulations and interpretations resulting from,

and any other applicable rules, regulations or judicial decisions regarding access to the records of government.

It will not be sufficient for vendors to state generally that the proposal is proprietary in nature and not therefore subject to release to third parties. Those particular pages or sections which a vendor believes to be proprietary and of a trade secret nature must be specifically identified as such and must be separated from other sections or pages of their proposal. Convincing explanation and rationale sufficient to justify each exemption from release consistent with Section 316 of Title 1 of the Vermont Statutes Annotated must accompany the proposal. The rationale and explanation must be stated in terms of the prospective harm to the competitive position of the vendor that would result if the material were to be released and the reasons why the materials are legally exempt from release pursuant to the above cited statute. Between a vendor and the Department, the final administrative authority to release or exempt any or all material so identified, rests with the Department. **All materials for which a respondent would like to claim confidential treatment should be uploaded, along with the rationale for confidentiality, to the web site <https://www.burlingtonelectric.com/rfp> in a separate file and with "CONFIDENTIAL" as part of the file name.**

M. Offer of Gratuities

The vendor warrants, represents and certifies that no elected or appointed official or employee of the Department has or will benefit financially or materially from this procurement. Any Contract and/or award arising from this RFP may be terminated by the Department if it is determined that gratuities of any kind were either offered to, or received by any of the aforementioned officials or employees from the vendor, the vendor's agent or the vendor's employees.

N. Inspection of Work Performed

Not applicable.

O. Collusion

By responding, the vendors implicitly state that the proposal is not made in conjunction with any competing vendor submitting a separate response to this RFP and that it is in all respects fair and without collusion or fraud.

VII. Contract Provisions

The obligations of the Department may only be established by a final contract, executed by both parties, that has received all required local and state approvals. Any contract to be entered into between the Department and the successful proposer shall contain negotiated provisions based on the specific requirements set forth in this RFP and the successful

proposer's treatment thereof as contained in this proposal, as well as general Department contract provisions.

1. Termination

Not applicable.

2. Disclaimer

The Burlington Electric Department is not liable for any costs incurred by proposers in the preparation of proposals or for any work performed prior to the approval of an executed contract.

3. Delivery of Proposals

There will be no formal RFP opening. All RFP's are to be uploaded to our secure web site <https://www.burlingtonelectric.com/rfp> using your unique login (registration is required). When registering, please select "Consultant" for the category. We will not accept any mailed or emailed responses. In order to be accepted they must be updated to the website by the specified date and time. Sending the response to anyone other than this method will make your submission void and will not be accepted.

4. RFP Opening

There will be no formal RFP opening. All information in the RFP's will not be released until such is award by Burlington Electric and acceptance by the winning contractor. If you would like to receive the RFP overview results after the award you may do so only in writing (email) to our Purchasing Department. If you would like to review the RFP's that were submitted, you must submit a letter to our Purchasing Department requesting a meeting to review the files in person.

5. Notification of Selection

Award of this bid will be by "Letter of Award" issued by communication from the Department along with a draft contract for the provision of energy supply ("Purchased Power Agreement

6. Contract Negotiation

Upon award, the Department and the successful proposer will negotiate a contract. The final terms of the contract shall be subject to negotiation between the parties. The selected proposal in whole or in part as well as content from this RFP may be incorporated into and made a part of the final contract. BED reserves the right to terminate such negotiations at

any time, and select another proposal, issue a new RFP, or take other action consistent with the best interest of the Department at its sole discretion.

By issuing this RFP the Department is not obligated to award a contract.

7. RIGHT TO SUBMIT A PROPOSAL ON BED PROJECTS.

Any supplier that is in good standings with all city departments within the city of Burlington Vermont may submit a proposal for provision of energy supply as described above. If a potential supplier is found to owe funds or has been removed from any RFP lists within any city department, their RFP will not be considered. Supplier must comply with all provisions as outlined in this RFP in order to be considered.

The contractor shall comply with all applicable Federal, State, and local laws, including but not limited to the Burlington Livable Wage Ordinance, the Non-Outsourcing Ordinance, and the Union-Deterrence Ordinance and shall provide the required certifications attesting to compliance with these ordinances (see attached ordinances and certifications).

8. BED Rights:

BED reserves the right to accept or reject any or all proposals received in response to this RFP or to take other action consistent with the best interest of BED. BED reserves the right to negotiate separately with any source to serve the best interest of BED. ALL SUBMITTED BIDS BECOME THE PROPERTY OF BURLINGTON ELECTRIC DEPARTMENT. AFTER THE AWARDING OF THE CONTRACT TO THE SUCCESSFUL BIDDER, ALL BIDS ARE OPEN FOR PUBLIC VIEWING subject to any confidentiality requirements applicable under Vermont's Access to Public Records Law exclusions.