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Georgia Public Service Commission

(404) 656-4501
(800) 282-5813

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

FAX: (404) 656-2341
psc.ga.gov

To: Prospective Bidders

From: Tom Bond, Director, Utilities Division

Date: August 15, 2024

Re: Request for Proposals for Independent Evaluator (“RFP”)

The Commission, in the attached RFP, is soliciting proposals from consultants to act as the Independent Evaluator for Georgia Power Company’s 500 MW Energy Storage Systems Request for Proposals (“ESS RFP”). You are invited to respond.

Attachments: Bid Documents
Request For Proposals
Sample IE Contract

STATE OF GEORGIA
PUBLIC SERVICE COMMISSION



REQUEST FOR PROPOSALS FOR CONSULTING WORK

PROPOSAL TO BE RECEIVED BY THE COMMISSION:

NOT LATER THAN 4:00 p.m. Eastern Standard Time, September 16, 2024

INSTRUCTION TO PROPOSERS

All spaces below and in the attached "Proposal Signature and Certification Form" are to be filled in with signatures supplied where indicated. Failure to sign proposal will cause rejection of your proposal.

PROPOSAL OF:

NAME: _____

ADDRESS: _____

SUBMIT PROPOSAL TO:

Chesley Dix
PSC Issuing Officer
Georgia Public Service Commission
244 Washington Street, SW Atlanta,
Georgia 30334-5701
Email: cdix@psc.ga.gov

DATE PROPOSAL MAILED: _____

NOTE: PLEASE ENSURE THAT ALL REQUIRED SIGNATURE BLOCKS ARE COMPLETED. FAILURE TO SIGN THIS FORM WILL CAUSE REJECTION OF YOUR PROPOSAL.

GEORGIA PUBLIC SERVICE COMMISSION

PROPOSAL

We propose to furnish and deliver any and all of the services named in the attached Request for Proposals for Independent Evaluator (“IE RFP”) for which prices have been set. The price or prices offered herein will apply for the period of time stated in Section 1.8 (*Contract Term*) of this RFP.

It is understood and agreed that this proposal constitutes an offer, which if accepted and approved by the Public Service Commission (“PSC” or “Commission”), after consideration of any comments or recommendations from Georgia Power Company (“Soliciting Entity”) and potential ESS RFP potential bidders and subject to the terms and conditions of such acceptance, will be formalized with a valid and binding contract for Independent Evaluator (“IE”) Services (“IE Contract”) between the undersigned and Soliciting Entity for Soliciting Entity’s 500 MW ESS RFP.

It is understood and agreed that we have read the State's specifications shown or referenced in the IE RFP and that this proposal is made in accordance with the provisions of such specifications. By our written signature on this proposal, we guarantee and certify that all items included in this proposal meet or exceed any and all such State specifications. We further agree, if awarded the IE Contract, to deliver services which meet or exceed the specifications.

It is understood and agreed that this proposal will be valid and held open for a period of one hundred and twenty (120) days from proposal's opening date.

PROPOSAL SIGNATURE AND CERTIFICATION

(Bidder must sign and return with proposal)

I ("Bidder"), certify that this proposal is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a proposal for the same materials, supplies, equipment, or services and is in all respects fair and without collusion or fraud. Bidder further certifies that if Bidder has any financial or personal interest involving the Soliciting Entity or any potential ESS RFP participant, it must disclose such interests to the Commission as part of its proposal. Bidder understands that collusive bidding is a violation of State and Federal Law and can result in fines, prison sentences, and civil damage awards. Bidder agrees to abide by all conditions of the proposal and certifies that the undersigned is authorized to sign this proposal for Bidder. Bidder further certifies that the provisions of the Official Code of Georgia Annotated §45-10-20, *et. seq.*, have not been violated and will not be violated in any respect.

If Bidder is an Entity:

By:_____

Name:_____

Title:_____

Date:_____

If Bidder is a Person:

Authorized Signature

Date

Printed Name and Title

COMMISSIONERS:

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REQUEST FOR PROPOSALS

FOR INDEPENDENT EVALUATOR

1.0 GENERAL

1.1 Introduction

Pursuant to its statutory regulatory responsibilities contained in the Official Code of Georgia Annotated (O.C.G.A.), Section 46, the Public Service Commission ("PSC" or "Commission") is required to act on a variety of issues. [RFP Rule 515-3-4-.04\(3\)\(c\)](#) provides for the selection of an Independent Evaluator ("IE") to oversee a soliciting entity as it proceeds through the Request for Proposals ("RFP") process outlined in the Commission's Rules. To assist in the determination of the IE to be retained for this purpose, the Commission will accept competitive sealed proposals from interested and available consultants. All proposals submitted pursuant to this request will be made in accordance with the provisions of these instructions. The proposals will be evaluated in accordance with the evaluation criteria set forth in this IE RFP. Subsequent to the opening of the sealed proposals, the PSC may request to have discussions with responsive offerors ("Bidders") for the purpose of clarification or to assure full understanding of, and responsiveness to, the solicitation requirements. Bidders will be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals.

In conducting any such discussions, there will be no disclosure of any information derived from proposals submitted by competing Bidders. All such discussions will be conducted by the PSC Issuing Officer named below:

Chesley Dix
PSC Issuing Officer
Georgia Public Service Commission
244 Washington Street, S.W.
Atlanta, Georgia 30334-5701
Telephone: 404-657-2795
Email: cdix@psc.ga.gov

A contract award will be made to the Bidder whose proposal is determined to best serve the independent role of IE in accordance with: (i) the requirements of [RFP Rule 515-3-4-.04\(3\)](#); (ii) the qualifications and requirements for an IE established by the Commission in this IE RFP; and (iii) IE's ability to conduct and structure an RFP process that is fair, impartial, and is otherwise acceptable to the Commission for the benefit of Soliciting Entity's customers in order to facilitate PSC Staff and the Commission meeting the requirements under the RFP Rules and to facilitate an RFP which best serves the needs of Georgia Power's customers most advantageous for the State, taking into account all of the evaluation factors set forth in the RFP. Other than the cost of the IE services requested, no additional factors or criteria will be used in the evaluation. The PSC reserves the right to reject any and all proposals submitted in response to this request.

1.2 Purpose

The Commission plans to utilize an appropriate, qualified IE to assist the Georgia Public Service Commission Staff ("Commission Staff") in performing the tasks described in Section 2.0 (*Scope of Service*) of this IE RFP.

1.3 Procurement Timetable

The following timetable is **anticipated** for this IE RFP:

August 15, 2024	RFP Issued
September 16, 2024 (4:00 p.m. EST)	Deadline for receipt of proposals by the Commission- NO PROPOSALS WILL BE ACCEPTED AFTER THIS TIME
October 1, 2024	Proposal awarded

Proposals will be submitted electronically to the PSC Issuing Officer at the location below:

Chesley Dix
PSC Issuing Officer
Georgia Public Service Commission
244 Washington Street, SW Atlanta,
Georgia 30334-5701
Email: cdix@psc.ga.gov

1.4 Restrictions on Communications with Commission Staff

From the issue date of this IE RFP, until an IE is selected and the selection is announced, Bidders are not allowed to communicate for any reason with any Commission Staff member or Commissioner concerning this IE RFP except through the PSC Issuing Officer named herein, or as provided by existing work agreement(s). For violation of this provision, the Commission will reserve the right to reject the proposal of the offending Bidder.

1.5 RFP Amendments

The Commission reserves the right to amend this IE RFP prior to the date the proposals are due. Any amendment to this IE RFP will be sent to all Bidders who originally received a copy of this IE RFP as well as to anyone that has since requested to the PSC Issuing Officer to be added to the distribution list.

1.6 Proposal Withdrawal

Prior to the proposal due date, a submitted proposal may be withdrawn by Bidders, by submitting a written request to the PSC Issuing Officer named herein. Any such request must be signed by a person authorized to sign for the Bidder.

1.7 Cost for Preparing Proposals

The cost of developing the proposal is the sole responsibility of Bidder. Neither the Commission, Soliciting Entity, nor the State will provide reimbursement for such costs.

1.8 Contract Term

Pursuant to the Commission's RFP Rule 515-3-4-.04(3), the IE "will be retained by the soliciting entity under a contract that is acceptable to the Commission and which is consistent with the RFP Rule." The IE Contract will be a two-party contract between the IE and Soliciting Entity, but the IE "shall be selected by and report to the Commission." The term of the IE Contract will commence on the earlier of: (i) effective date of the IE Contract and continue in effect until completion of the Soliciting Entity's 500 MW Energy Storage Systems RFP ("ESS RFP"), as evidenced by the filing of the executed agreements necessary for the acquisition of the needed capacity sought by the ESS RFP and completion of the related Commission certification hearings required by the Integrated Resource Plan ("IRP") Act and Commission Rule 515-3-4-.04(3)(e)(5), unless terminated earlier in accordance with the IE Contract; or (ii) until the Commission determines that further performance should cease and instructs Bidder to suspend performance. Additional IE Contract information is contained in Sections 1.9 (*IE Contract*) and 3.4 (*Contract*) of this IE RFP.

1.9 IE Contract

Each proposal will contain the name, title, detail pricing for any technology (e.g. IE website) development, licensing and maintenance costs, and hourly rate of every consultant and support person employed by Bidder, as well as any subcontractor expected to be engaged to work on the tasks contained in this RFP. Any subsequent request by Bidder to add any other personnel may be denied. If no clerical/administrative personnel are listed in Bidder's proposal, the costs for this type of work will be assumed to have been otherwise covered in the bid price. Also, Bidder's federal tax identification number or social security number (for an individual Bidder) will also be included in the proposal. The PSC and the soliciting entity reserve the right to negotiate with the successful Bidder other additions to, deletions from and/or changes in the language in the IE Contract; provided that no such addition, deletion, or change in IE Contract

language would, in the sole discretion of the PSC, affect the evaluation criteria set forth herein, or give the successful Bidder a competitive advantage. The IE Contract must be acceptable to the Commission and Soliciting Entity and consistent with the RFP Rule. The Commission will make final decisions if the Commission and Soliciting Entity are not in agreement.

1.10 Format for Responses

Proposals should correspond with and satisfy the requirements set forth in this RFP. The Bidder must submit an electronic copy of its final proposal to the Commission, including reference documents in Microsoft Word format, or readable PDF (with Optical Character Recognition, OCR, functionality).

Proposals should indicate whether there are any deviations from the specified requirements.

1.11 Information Required from Bidders

Bidder's proposal must be submitted in the format outlined below, preparing consecutively numbered pages with index tabs for each section.

- A. STATEMENT OF THE REQUIREMENTS.** State in succinct terms the Bidder's understanding of the requirements presented by this IE RFP.
- B. MANAGEMENT SUMMARY.** Include a narrative description of the proposed effort and a list of the products that will be delivered, and a proposed timeline for task completion. There should be a separate narrative description for each of the work tasks.
- C. WORK PLAN.** Task descriptions are to be the guide in describing the Bidder's technical plan for accomplishing the work. The task descriptions should be very detailed in order to afford the Commission a thorough understanding of the work plan. Also include an ESS RFP workflow process map demonstrating and detailing the functions of the IE website. Bidders are cautioned that their proposal may be rejected if their work plan does not include specific recommendations of how each of the task descriptions will be accomplished.
- D. PRIOR EXPERIENCE.** Submit a statement of similar work conducted in the previous five years. Studies or projects referred to should be identified and the name of the client shown, including the name, address, email, and phone number of the responsible official of the client company or agency who may be contacted.
- E. PERSONNEL.** The name of the individual proposed as project leader for each work task, together with a detailed resume of their experience in conducting similar efforts, should be provided. Also, provide a detailed resume for each individual who will be engaged in the work, describing the

qualifications applicable to the performance of the tasks.

F. STATEMENT ON POTENTIAL CONFLICTS OF INTEREST.

The Bidder will identify any relationships, including financial or personal interests, between itself, its employees or subcontractors and Soliciting Entity or any potential ESS RFP participant, including but not limited to any Southern Power Company affiliate during the proceeding five (5) years from the date of Bidder's proposal under this IE RFP. The extent, nature and time aspects of Bidder's potential conflicts of interests related to or arising from such relationships must be identified. If there have been no such relationships, a statement to that effect must be included in the proposal. Failure to provide the statement on potential conflicts of interest will automatically disqualify Bidder.

- G. TIME ESTIMATES.** Estimate the time required for completion of each work task as outlined in Section 2.0 (*Scope of Services*). Indicate the number of employee hours, by individual employee rate, allocated to each task. Submit this data on a cost analysis chart formatted in Microsoft Excel. Include a project schedule display, highlighting each task with estimated start and completion time.

1.12 Additional Information

A Bidder that submits a proposal that meets the requirements set forth in this IE RFP may be requested to provide additional information.

1.13 Retention of Proposals

All material submitted in response to this IE RFP will become the property of the Commission and may be returned to Bidder at the option of the Commission. One copy will be retained by the Commission for official files.

1.14 Questions Regarding This RFP

Questions regarding the requirements set forth in this IE RFP should be directed to the PSC Issuing Officer listed below:

Chesley Dix
PSC Issuing Officer
Georgia Public Service Commission
244 Washington Street, S.W.
Atlanta, Georgia 30334-5701
Telephone: 404-657-2795
Email: cdix@psc.ga.gov

1.15 Bidder Oral Presentations

No oral presentations are contemplated. Bidders will be contacted regarding any questions by the PSC Issuing Officer concerning their proposals.

1.16 Note to Bidders

In the recent past, the Commission has received proposals from Bidders that have been unresponsive to the specific RFPs. Problems have included:

- A. Unsigned Proposal Signature and Certificate page.
- B. Bid format not corresponding to RFP requirements (excessive use of “boilerplate” language/insufficient focus on service requirements).
- C. No price quote for required tasks and services to be provided (only hourly rate stated).
- D. Little information concerning deliverables to be provided by Bidder.
- E. Submission of voluminous reference materials not relevant to the services requested.
- F. Proposal not stating acceptance of provisions of sample contract attached to the RFP.

A careful reading of the RFP by Bidder will prevent these problems.

2.0 SCOPE OF SERVICE

2.1 Background

This RFP contains one (1) task for which the services of an IE is requested.

In its [2022 IRP Order](#), the Commission authorized Soliciting Entity to acquire, through the Commission approved RFP process, 500 megawatts (“MW”) of Energy Storage Systems (“ESS”) to be operated and controlled by Soliciting Entity.

Soliciting Entity plans to issue the ESS RFP for 500 MW of ESS in 2025 and to request Commission certification of the selected resources in 2027. Soliciting Entity expects that the full 500 MW will be online by the end of 2030.

An IE is being sought to oversee the ESS RFP to assure ESS RFP participants transparency and fairness during the ESS RFP processes and to ensure that the ESS RFP is conducted in accordance with the Commission’s RFP Rule, the ESS RFP Standards of Conduct, and FERC’s *Edgar* and *Allegheny* Standards,¹ as applicable, if an affiliate of Soliciting Entity participates and is a winning bidder in the RFP.

2.2 Independent Evaluator

Soliciting Entity will propose a schedule for conducting the ESS RFP process and will prepare and issue the ESS RFP, which will culminate in the execution of power purchase agreements, asset purchase agreements, build transfer agreements, and/or

¹ *Bos. Edison Co. Re: Edgar Elec. Energy Co.*, 55 FERC 61,382 (1991); *Allegheny Energy Supply Co., LLC*, 108 FERC 61,082 (2004).

company-owned proposals. During this process, an IE, selected by the Commission and under contract with Soliciting Entity, will play a major role. Bidder should familiarize itself with Commission Rule 515-3-4-.04(3), which outlines the RFP Process ("RFP Rule"). The duties and responsibilities of the IE are the following:

A. Identification of Bidders and Design of the 500 MW ESS RFP.

Soliciting Entity will prepare and supply to Commission Staff and the IE an initial draft of the ESS RFP, including procedures, evaluation factors, credit and security obligations, a pro forma power purchase agreement ("PPA"), pro forma build transfer agreement ("BTA"), pro forma asset purchase agreement ("APA"), and a solicitation schedule. No later than one hundred twenty (120) days prior to the planned issue date of the RFP, the soliciting entity will supply the draft of the RFP Document to the Staff and the IE. These drafts shall be posted on the Commission's website and be accessible through a link established for the use of the IE (the "IE website").

The Commission Staff and the IE will comment on the initial draft ESS RFP, PPA, BTA, and APA, and provide their feedback to Soliciting Entity prior to issuance of the ESS RFP to the market for comment.

At least one public bidder conference will be conducted by the Soliciting Entity, with participation by the Commission Staff and the IE to discuss the draft ESS RFP with interested parties. In addition, the ESS RFP documents will be posted on the IE Website, where ESS RFP participants and interested parties who have registered on the IE Website may submit comments, questions, and suggested edits to the ESS RFP documents during a comment period.

The IE will distribute the RFP to the contact list of potential bidders provided to Staff and the IE by the Soliciting Entity pursuant to Commission Rules. If the IE receives requests to participate in the ESS RFP from other potential bidders or interested persons, the IE shall distribute the RFP to such other potential bidders and interested persons and their contact information shall be provided to Staff and the Soliciting Entity and shall be the data of the Soliciting Entity.

B. The IE Website, Issuance of ESS RFP

1. Ability to create other forms as needed to submit additional information (e.g., Notice of Intent);
2. Capability for IE, Commission Staff, and Soliciting Entity to test and review website functionality prior to IE Website going live to the public;
3. Track and allow unlimited bidirectional communication and messaging features between each ESS RFP participant and the IE, and from the IE

to Commission Staff, and Soliciting Entity;

4. Track and allow unlimited bidirectional communication and messaging features between the IE, Commission Staff, and Soliciting Entity with the option to choose the individuals to send communications;
5. Send email notification of all communications between an ESS RFP participant or interested party and the IE, Commission Staff, and Soliciting Entity;
6. Collect comments from ESS RFP participants and interested parties on draft documents and develop a summary report with references to the associated document name, section, and language participant is providing comments;
7. Upload and download documents while maintaining naming conventions provided by ESS RFP participants or established by IE, Commission Staff, or Soliciting Entity to manage the organization data. Document submission feature must be accessible with messaging features and support bid submission;
8. Ability to develop a data room with a folder structure capability for the uploading and downloading of a large number of documents with large file sizes;
9. Posting the RFP schedule;
10. Ability to develop a folder structure with access rights to manage and organize proposal data;
11. Collect and gather bid data and generate custom reports;
12. Host a public question and answer (“Q&A”) forum webpage to be used by ESS RFP participants who register in the IE Website;
13. Track RFP milestones; and
14. Upon request by the Soliciting Entity, the IE will collect bid fees, bid security in the form of cash, surety bond, or letter of credit. Cash must be deposited in an escrow account maintained by the IE for the benefit of Soliciting Entity.

The IE Website will be designed and developed to: (i) give Commission Staff, Soliciting Entity and IE access to all electronic proposal submissions for evaluation;, including the capability to provide Commission Staff and the Soliciting Entity notification of messages received from a Bidder and notification of messages that are sent to the Bidder by the IE or Soliciting Entity (ii) provide ESS RFP bidders the ability to independently submit and

access their own ESS RFP related data and communications, including without limitation, communications made through the IE about pre-proposal activities, proposal submission, proposal management, and contract execution; and (iii) provide flexibility for program development design that facilitates a bidder's ability to follow multi-step RFP Process.

The IE will transmit the final ESS RFP to the ESS RFP participants list via the IE Website.

C. IE Monitored Communications.

1. All communications between prospective bidders or interested parties and Soliciting Entity regarding the ESS RFP must be conducted through the IE and will be confidential. IE and Soliciting Entity may conduct conference calls with a prospective bidder to clarify or resolve issues with a bid submission or the RFP Process. Commission Staff may participate in such discussions.
2. Each Participant and interested party in the ESS RFP may submit questions concerning the ESS RFP, the ESS RFP documents, or bid submission evaluation, and the Evaluation Team, in consultation with IE and Commission Staff, will endeavor to promptly respond to each message.
3. IE may transfer to a public Q&A forum webpage on the IE Website any question posted to the confidential message board that the IE determines to be generic in nature and not unique to a particular bidder, site, or facility.
4. Any violation of this requirement due to a communication between an ESP RFP participant or interested party and Soliciting Entity or Commission Staff will be reported to the IE.

D. RFP and Bid Form Development Feedback

1. The IE will work with Commission Staff to provide feedback to Soliciting Entity regarding the draft ESS RFP documents. The IE will facilitate the receipt of comments, questions, and suggested revisions to the ESS RFP documents from ESS RFP participants and interested parties via the IE Website. The IE will be expected to attend and participate in the ESS RFP Bidders Conference conducted by Soliciting Entity in consultation with Commission Staff and IE.
2. In coordination with Commission Staff, the IE will collaborate with the Soliciting Entity and support the development of the electronic proposal submission form on the IE Website, which will conform with the criteria and requirements set forth in the ESS RFP.

3. In conjunction with Commission Staff, the IE will oversee Soliciting Entity's development of the evaluation methodology for the ESS RFP and coordinate with Commission Staff and Soliciting Entity to confirm when the evaluation methodology is locked down. The IE will facilitate a mock bid evaluation prior to bid submission to ensure that the evaluation model performs consistently and conforms to the requirements of the RFP. Soliciting Entity's Evaluation Team, IE, and Commission Staff may each produce mock bids to vet the model designed to develop a high degree of confidence with the consistency of the modeling and bid evaluation process.

E. Transmission Analysis.

IE must have familiarity and experience with reviewing and interpreting transmission impact studies for generators connected to the transmission system. IE's transmission analysis experience is necessary for IE's ability to verify and conduct IE's own evaluation of the Soliciting Entity's transmission study results.

F. IE Report

Based on the input received from ESS RFP participants and other interested parties as well as its own review of the draft ESS RFP and pro forma PPAs, BTAs, and APAs the RFP Rule directs Commission Staff and IE to create a report detailing suggested recommendations for changes to the RFP and pro forma PPA(s), BTA, and APA prior to its issuance. Consistent with RFP Rule, the report will be provided to the Commission and posted on the IE website for review by ESS RFP participants.

G. Evaluation of Responses to the ESS RFP

1. Commission Staff and IE will oversee the bidders, bids, or proposals submitted into the ESS RFP. The IE will serve as liaison between Soliciting Entity, bidders, and the company owned proposal team, as applicable, regarding requests for additional information. The IE and Commission Staff will have access to all information, communications including messages, and resources utilized by Soliciting Entity to conduct their analysis and will be allowed to monitor all aspects of Soliciting Entity's evaluation process.
2. IE will and the IE Website will be used to facilitate ranking and evaluation of bids and proposals received. Soliciting Entity, Commission Staff, and the IE will meet and discuss Soliciting Entity's proposed competitive tier of bids or proposals as well as the portfolio of short list bids or proposals, as applicable, recommended for contracting. The IE and Commission Staff may independently evaluate

bids and proposals received in response to the ESS RFP.

3. IE, Commission Staff, and Soliciting Entity will agree on a methodology to compare company-owned proposals and bids for APAs and BTAs to bids for PPAs.

H. Approval of Awarded Contracts and Final IE Report

1. After completing its evaluation, Soliciting Entity will notify the Commission Staff and IE of the resources Soliciting Entity has selected to make an award in the ESS RFP. The Commission Staff and IE will notify Soliciting Entity of whether they agree with Soliciting Entity's determination as well as provide Soliciting Entity with the results of their independent evaluation, if conducted. If the Commission Staff or IE disagree with the selection(s) made by Soliciting Entity, the three parties will meet to discuss their differences. Soliciting Entity may consider the Commission Staff and IE evaluation in making its decision as to the final resources to be procured; however, Soliciting Entity is responsible for determining which resource(s) it will submit to the Commission for certification.
2. At the time of winning proposals certification, the Commission Staff and IE will submit a report to the Commission opining as to whether the winning proposals should be certified. The IE's report will be a formal written report submitted to the Commission Staff.

I. Certification

1. Soliciting Entity will file with the Commission a request for certification of the resource(s) chosen by Soliciting Entity. The Commission Staff and the IE will participate in the certification proceeding and testify regarding: (1) their independent evaluation of whether the resource(s) selected by Soliciting Entity should be selected and if not, which resource(s) in their view should be selected as a result of the RFP process; and (2) whether Soliciting Entity conducted the RFP process in a fair and impartial manner.
2. For each of the tasks listed A through H of Section 2.2 above, please submit the following:
 - (i) A statement of the Bidder's understanding of the requirements of the Commission's RFP Rule, the RFP Process in Georgia, and the requirements stated in this RFP.
 - (ii) A management summary and a proposed timeline for accomplishing each task.
 - (iii) A work plan for each task.

- (iv) IE website workflow process map.
- (v) Prior experience - a statement of similar work conducted.
- (vi) Personnel - Listing of all personnel, qualifications, and reporting relationships.
- (vii) Statement of Potential Conflicts of Interest - that may be due to an existing contractual, financial, or personal relationship between a Bidder, Bidder's employees or Bidder's subcontractors and Soliciting Entity or any ESS RFP participant, including but not limited to any Southern Power Company affiliate during the proceeding five (5) years from the date of Bidder's proposal under this IE RFP.
- (viii) Time estimates for the completion of each task, estimated cost of each task and an anticipated billing schedule for the completion of each task to facilitate the prompt payment of IE invoices by Soliciting Entity following Commission approval of IE invoices.

2.3 Other Independent Evaluator Responsibilities

If selected by the Commission as the IE for the ESS RFP, Bidder will comply with RFP Rule 515-3-4-.04(3) (incorporated herein by reference), which states that no IE selected by the Commission may perform services for the soliciting entity or any bidder for a period of two years after the completion of an RFP process in which the IE served. Additionally, Bidder agrees that during the time within which such duties are being performed, Bidder will not enter into any employment with the companies under the jurisdiction of the Commission, or any subsidiary or affiliate of those companies. Bidder must, on his or her own action, disclose to the attorneys for the Commission Staff the fact and substance of any unauthorized contacts or representations made to Bidder outside the physical presence of attorneys representing the Commission Staff or a Commission Staff member by persons known, or who reasonably should be known, by Bidder to be associated, directly or indirectly, with the companies referenced in this paragraph.

The Commission will inform Bidder of the Commission's policies and regulations with respect to such unauthorized contact, and Bidder will affirm in writing that no unauthorized contacts were made or that such contacts were reported as required. Non-compliance with this requirement may result in immediate cancellation of the related contract and the institution of any additional proceeding deemed necessary or appropriate by the attorneys representing the Commission. The attorneys representing the Commission are authorized to use any reasonable method to ensure strict compliance with this requirement.

2.4 Time of Performance

The period of performance of the related IE Contract will commence on the

effective date of the IE Contract and continue in effect until the earlier of: (i) completion of the ESS RFP, as evidenced by the filing of the winning proposals or executed agreements as necessary to evidence the procurement of the needed capacity sought by the ESS RFP and completion of the related Commission's certification hearings required by the IRP Act and RFP Rule 515-3-4-.04(3)(e)(5);, unless terminated earlier in accordance with the IE Contract; or (ii) until the Commission determines that further performance should cease and instructs Bidder to suspend performance. In the event that performance is ordered to be suspended upon instruction of the Commission, Bidder will be compensated for all work completed prior to said suspension according to allowed expenses and labor at the rates as stated in the IE Contract.

3.0 INSTRUCTIONS TO PROPOSERS

3.1 Bidder Qualifications

Each proposal should contain documents and other information necessary to enable the Commission to evaluate Bidder's ability to provide the required IE services. These documents and information should include, but are not limited to, the following:

- A. Examples of Bidder's work products (e.g., website template) related to other RFPs.
- B. Resumes of (a) the principals in Bidder's consulting firm and (b) those consultants retained by the firm who would provide services as a part of Bidder's proposal, including any subcontractors proposed.
- C. A listing of which of the Bidder's consultants would be providing services under the proposal and the specific services provided by each.
- D. References for the consultant(s) who would be providing services to the Commission under the proposal.
- E. A listing of all clients served by Bidder and the consulting firm within the period January 2019 to January 2024 inclusive.

3.2 Compensation and Payment

Bidder understands and agrees that if selected by the Commission to serve as the IE for the ESS RFP, IE's fees will be paid by Soliciting Entity, after approval of such invoices by the Commission. The IE will be paid a "not to exceed" amount agreed upon for professional services and related expenses rendered under the IE Contract. Work performed by the IE outside of the original scope of work will not be paid unless authorized in writing by change order signed by an authorized representative of Soliciting Entity, IE, Commission Staff, and approved by the Commission. IE expenses are to include support for professional services including, but not limited to, reasonable and necessary (as defined by the Commission) actual expenses incurred by IE for travel, lodging, meals, telephone, express mail delivery, website

and computer charges and copying costs. Travel for work to be performed under the IE Contract must be approved by a Commission Staff member via email communication, prior to travel occurrence. Maximum reimbursement amounts for daily meals for the bidder will be a per diem published by the U.S. General Services Administration (GSA).

IE will be required to submit invoices on a monthly basis for review and approval by the Commission and delivered to Soliciting Entity for payment. However, that prior to each monthly payment, IE must be in compliance with all material terms and conditions of the IE Contract, and, prior to final payment, IE will have completed all obligations under the IE Contract. Invoices will be submitted based on actual expenses and time expended on the scope of work, with labor rates for Bidder's personnel as agreed upon, and all costs will be separately invoiced to reflect the ESS RFP services provided. Upon execution of the IE Contract with Soliciting Entity, The Utilities Division's Business Analyst will provide instructions (PSC Guidelines for Consultant Billing of Direct Reimbursable Charges to Contracts) to IE to explain how the billings should be prepared, itemized, and supported to effect payment. Additionally, the contract amount shall be subject to modification to accommodate changes in workload required of the consultant due to subsequent changes in the scope and level of the consultant's responsibilities, not otherwise properly compensated by the amount originally stated in the contract. The necessity of modifying the contract amount shall be determined by agreement between the soliciting entity, the IE and the Staff, subject to Commission approval. Work performed outside of the original scope of work will not be paid unless approved by the Commission.

3.3 Retention of Records

If selected by the Commission to serve as the IE for the ESS RFP, Bidder will keep and maintain all records and other documents pertaining to the performance of the IE Contract until the final payment of funds paid to the IE by Soliciting Entity. At such time, the physical custody of the physical and electronic records and documents will be returned to the Commission.

3.4 Contract

Payment under the IE Contract with Soliciting Entity will be made in accordance with the provisions of Section 3.2 (*Compensation and Payment*) of this RFP.

4.0 PROPOSAL EVALUATION

4.1 Selection Process

The Commission Staff shall evaluate each proposal submitted in this RFP by utilizing the evaluation criteria below. On October 1, 2024, the Commission may select a Bidder to provide the IE services described in this RFP. In awarding the IE Contract for these services, the Commission Staff will evaluate each proposal using the criteria listed below in items A through C:

- A. The cost of the IE services requested;
- B. Demonstrated experience and competence of Bidder in performing tasks similar to those contained in this RFP;
- C. Bidder's readiness and qualifications to serve the independent role of IE in accordance with:
 - (i) The requirements of [RFP Rule 515-3-4-.04\(3\)](#);
 - (ii) The qualifications and requirements for an IE established by the Commission in this RFP;
 - (iii) IE's ability to oversee a fair and impartial RFP process that is acceptable to the Commission, Soliciting Entity and for the benefit of Soliciting Entity customers and complies with applicable laws, rules, and orders of the Commission and the Commission approved contract with the Soliciting Entity. Note: The Commission will make final decisions if the Commission and Soliciting Entity are not in agreement; and
 - (iv) Bidder's experience in developing, hosting, and maintaining an IE Website.

The Commission will consider each proposal in a manner that does not disclose the contents of the proposal to competing Bidders. The Commission reserves the right to reject any and all proposals made pursuant to this RFP, to request submission of a best and final offer, and to amend or supplement this RFP at any time. There is no assurance, expressed or implied, that an award will necessarily be made pursuant to this RFP. This RFP will not give any right to any respondent for any indemnification claims.