

# REQUEST FOR PROPOSALS

FOR

## LAVON SUBSTATION SOLAR & BATTERY

FARMERS ELECTRIC  
COOPERATIVE, INC.

*2000 I-30 East  
Greenville, Texas 75402*

**ISSUE DATE: August 30, 2023**



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## 1. OVERVIEW

*Farmers Electric Cooperative, Inc. (“FEC” or the “Company”) is soliciting turnkey proposals for the engineering, procurement, and construction (“EPC”) and ongoing operations and maintenance plans of a utility-scale solar energy generating facility to include an AC-coupled Battery Energy Storage System (“BESS”), and interconnection infrastructure, collectively, the (“Project”). The proposed Project site will be located within Collin County Texas at FEC’s Lavon Substation. **THIS IS A SOLAR ENERGY AND BESS PROJECT REQUEST FOR PROPOSALS (“RFP”) ONLY.** FEC desires to fulfill this requirement as described below.*

*The Project shall be composed of the solar and battery assets and interconnection infrastructure. Bidders will submit a proposal for FEC’s purchase of the Project and must include terms allowing for such. The Project proposed must be the solar facility coupled with a BESS. Proposals must include itemized costs based on the asset requirements below.*

- *1 MW<sub>AC</sub> Solar with 2MWh (AC) BESS*

*FEC also requires that the proposals utilize local distributors and contractors where possible, and that Bidders provide details on how they will accomplish this requirement.*

### 1.1 Purpose

*FEC seeks a competitive proposal (“Proposal”) for the complete design, procurement of all material and equipment, construction, and startup of the Project. The Project should target maximum energy output and minimum levelized cost of energy. The BESS must be charged by the solar photovoltaic (“PV”) facility 100% of the time on an annual basis for the first five years. The Project must be on-line and generating electricity as stated in the RFP Schedule (i.e., March 31, 2025). FEC will take into consideration the overall cost of the Project, Bidder’s experience including megawatts of financed projects, and Bidder’s use of local distributors/manufacturers and contractors.*

#### Eligibility of Sites

*For the purpose of this solicitation, FEC will only consider proposals for the Lavon Substation at 17360 FM 2755, Lavon, Texas 75166 in Collin County (GPS coordinates of 33.0128702°, -96.4210284°).*

### 1.2 Communications

*All communications from Bidders to FEC, including questions regarding this RFP, must be submitted via email. Based upon the nature and frequency of the questions FEC receives, FEC will choose to respond to individual Bidders either directly, share the response with all bidders, or address the question through a*

conference call.

All submittals, inquiries, and communications related to this RFP should be directed solely to the following FEC point of contact:

Paula Feuerbacher  
Manager, Distributed Energy Resource Services  
E-mail: [pfeuerbacher@fecelectric.com](mailto:pfeuerbacher@fecelectric.com)

**All communications between Bidders and FEC shall be conducted via email. Oral communications are discouraged and shall not be binding upon FEC.**

### 1.3 Confidentiality of Responses

*FEC will consider proposals and associated information submitted by Bidders to be confidential. It is the Bidders' responsibility to clearly indicate in its proposal what information it deems confidential. Bidders may not mark an entire proposal as confidential, but instead must mark specific information on individual pages to be confidential in order to receive confidential treatment. Except as required by regulatory reviews, subpoena, or court order, FEC will use reasonable efforts to avoid disclosure of information designated as confidential to persons other than those involved with the evaluation, selection, and any subsequent negotiations. To the extent that Bidders receive information from FEC, Bidders shall maintain the confidentiality of such information and such information shall not be available to any entity before, during, or after this RFP process unless required by law or regulatory order.*

*Bidders should be aware that information received in response to this RFP will be subject to the review of applicable local, state, and/or federal regulatory agencies, specifically including, but not limited to, the Public Utility Commission of Texas ("PUCT"), the Electric Reliability Council of Texas ("ERCOT"), the Texas Commission on Environmental Quality ("TCEQ"), the North American Electric Reliability Corporation ("NERC"), and the Federal Energy Regulatory Commission ("FERC"). All Bidders must cooperate with FEC in making technological descriptions, pricing, and other contract terms available for review as part of any regulatory approval process or audit process as FEC deems necessary or appropriate. FEC will follow applicable orders and rules of the PUCT, ERCOT, TCEQ, NERC, FERC, and/or other applicable agency, including any protective orders issued, such as disclosure of price, terms, or other information as required; therefore, FEC cannot promise that information marked as confidential will not be publicly disclosed, and, as such, FEC cannot be held liable for any information that is ordered to be released or that is inadvertently released. FEC will endeavor to provide reasonable notice to a Bidder if a Bidder's confidential information is requested through a regulatory proceeding, subpoena, court order,*

*or other such legal proceeding in order to provide the Bidder an opportunity to prevent or limit the disclosure of the requested information.*

*Information submitted in response to this RFP may become subject to federal or state laws pertaining to public access to information as a result of any reviews conducted by the aforementioned agencies. FEC shall not be liable for the release of any information subject to disclosure under any laws pertaining to public access to information.*

## **2. FARMERS ELECTRIC COOPERATIVE COMPANY SYSTEM DESCRIPTION**

### **2.0 Company Overview**

*Farmers Electric Cooperative, Inc. (FEC) is an electric distribution cooperative based in Greenville, Texas. FEC was founded in 1937 by a group of farmers and rural residents who wanted to bring electricity to the rural areas of Northeast Texas. FEC is a member-owned cooperative whose customers are also its owners. The cooperative is governed by a board of directors (BOD), who are elected by the members. The BOD is responsible for setting policies and overseeing the management of the cooperative. As one of the fastest growing cooperatives in the country, FEC serves over 90,000 meters and covers over 6000 miles of energized line. FEC's mission is to provide reliable and affordable electricity to its members, while also promoting energy efficiency and conservation. The cooperative is committed to using renewable energy sources and has invested in solar energy projects.*

### **2.1 FEC Lavon Substation**

*The aerial below demonstrates the available area for the solar and BESS (indicated by red line border).*



### **3. ELIGIBLE PROJECT INFORMATION**

#### **3.0 Eligible Project Structures**

*FEC will own the Project contracted through this solicitation process. FEC is interested in selecting offers for the project that provides the best value for FEC which may include bidder experience in building similar types of utility-scale facilities, quality of major equipment, and lowest total cost over the life of the facility for the expected energy output. Bidders should demonstrate sufficient resources to effectively manage the proposed project.*

*FEC is seeking competitive proposals for a 1 MWac Solar Facility along with a 2 MWhac Battery Energy Storage System (“BESS”). FEC will place these assets alongside the Lavon substation, located south-east of Lavon, Texas. The solar will be interconnected at 0.99MW and considered a non-registered facility. The BESS will be interconnected separately in excess of 1MWac and will be registered with ERCOT. The BESS can ONLY be charged by the adjacent solar facility. Therefore, the solar facility needs to have sufficient capacity to export to the distribution system and charge the BESS. The proposed projects will electrically connect to FEC and will operate independently. The primary use cases are to obtain renewable energy, additional capacity, and increased local reliability. FEC will evaluate the two projects jointly and is requesting turnkey EPC services as FEC will be the ultimate owner of these facilities*

#### **3.1 Eligible Generation and BESS Resources**

*The Project must utilize a proven reliable form of solar technology; including PV systems. For PV submittals, the facilities must utilize a tracking system. FEC will not accept bids for PV systems which will result in production output greater than 1 MW (AC). Bidders should also identify the expected annual degradation factor.*

*The Project must utilize a lithium-ion battery storage solution of 2 MWh (AC). Bidder must include the following battery energy storage performance metrics: technology lifetime, storage system rated power, cycle efficiency, storage system response time, and duration of discharge.*

*In order to be considered, all Project equipment must meet “The Build America, Buy America Act” requirements as defined by the Infrastructure Investment and Jobs Act enacted on November 15, 2021. Any exceptions to this requirement must clearly be stated in the RFP.*

**SUMMARY OF SYSTEM REQUIREMENTS REQUESTED**

<p><b>Solar Facility Capability &amp; Equipment</b></p>	<p>0.99 MWac                      Tracking solar (min 52 degrees)                      Bi-facial, tier 1 modules, with high wind &amp; hail warranty                      String inverters with minimum inverter ratio of 1.35-1.65                      480V transformer (480/14,400)</p>
<p><b>BESS Unit Capability &amp; Equipment</b></p>	<p>2MWh (AC) battery capacity                      Lithium-Ion Batteries, min 10-year warranty                      BESS expected to cycle daily                      BESS control to be integrated into FEC SCADA</p>

*Bidder will need to confirm that their solar and/or BESS proposal conforms and includes the following scope of services and technical requirements.*

**SOLAR FACILITY SCOPE OF SERVICES**

- *Select and procure all necessary equipment for commercial operation. This includes structural systems, electrical systems, tracking systems, solar panels, inverters, transformers, breakers, cable, controls, industrial-grade chain-link with three-strand barbed wire perimeter fencing, safety materials, and all other materials necessary for a turnkey facility.*
- *Perform all required site investigation and sitework, including site grading, erosion control, landscaping, vegetation screening, signage, access roads, and temporary power.*
- *Obtaining and paying for all permits, licenses, certificates, inspections, etc., both permanent and temporary.*
- *Provide a Distribution Interconnection transformer (480V / 14.4kV), metering, etc.*
- *The point of “common coupling” will be established at the project’s recloser switch at a mutually agreeable location within the solar facility.*
- *Provide all product manuals, warranty documentation, and as-built drawings.*
- *NOTE: Interconnection to be provided by FEC*

**SOLAR UNIT TECHNICAL REQUIREMENTS**

- *Power Capacity shall be approximately 1 MWac with Inverter Loading Ratio (ILR) of at least 1.35-1.65 DC:AC ratio design.*
- *The Solar Unit shall support autonomous operation, and shall be capable of being controlled via remote telemetry, recognizing and responding to grid stability issues per IEEE/NEC codes and standards.*
- *Point of Interconnection (POI) to Lavon substation behind the distribution meter at 14.4-kV (Nominal).*
- *Site layouts should consider the most efficient spatial design to minimize*

- the footprint on available land indicated in Exhibit A.*
- All equipment shall be listed as Tier 1 by an industry trade organization.*
- Tier 1 modules, Tier 1 Inverters, single-axis tracking system.*
- The PVSyst report (or equivalent) should be provided based on site specific conditions.*
- Final Completion certification shall use ASTM 2848 or IEC 61724-2 capacity testing protocols.*

#### **BESS SCOPE OF SERVICES**

- Design, fabricate, procure, deliver, assemble, and commission a fully functional BESS that meets or exceeds all requirements herein, including perimeter fencing, and connection to the Bidder-provided BESS step-up transformer secondary connections and the FEC's or FEC's SCADA interface.*
- Design, install, program and make ready for use all communications equipment/software, within the BESS, necessary for integration of the BESS to FEC's SCADA network.*
- Design, install, program and make ready for use a BESS Energy Management System (EMS) capable of integrating with FEC's SCADA, remote dispatch/operation, and performing any/all functions required for the operation of a BESS.*
- Obtain and pay for all permits, licenses, certificates, inspections, etc., both permanent and temporary.*
- Provide all required equipment, materials, labor, and tools required to install, test and commission the BESS.*
- Provide O&M service of this facility in order to maintain equipment warranties and provide Performance Guarantees for minimum 5-year Term after the Commercial Operation Date (COD).*
- Provide all product manuals, warranty documentation, and as-built drawings.*

#### **BESS UNIT TECHNICAL REQUIREMENTS**

- The BESS shall support autonomous operation, and shall be capable of being charged, discharged and controlled via remote telemetry, recognizing and responding to the dispatch control point signal or equivalent when on-line. Charging and discharging operations will be accomplished directly through FEC. BESS can ONLY be charged by the solar generating facility.*
- POI to Lavon substation behind the distribution meter at 14.4-kV (Nominal).*
- Modes of Operation shall include scheduling of load modification activities and manual real power commands. Once initiated in an operating mode, the BESS shall remain at the designated output until terminated by local/remote signal or the BESS discharge limit is reached.*
- The ramp rate and output level shall be selectable, and the output level shall be programmable, on a continuous real time basis by the remote signal from FEC's SCADA system. The BESS shall be capable of ramping to a*



*predetermined output level as set by a remote signal from FEC's SCADA system.*

- *The BESS shall provide 10%-100% of the rated power range for charging and discharging, as determined through the daily scheduling commands and operational limits.*

#### **FEC SCOPE**

- *Provide approval for all major equipment selections.*
- *Provide a 3-phase interconnection at Unit's recloser switch.*
- *Be responsible for the utility connection beyond the Bidder point of delineation.*
- *Provide an interconnection at projects recloser switch or a mutually agreeable location.*

#### **COMMON TECHNICAL REQUIREMENTS**

- *The Units shall have an interface that integrates the Unit to FEC's distributed controls and monitoring system, which will allow remote monitoring of the Units by FEC staff.*
- *The Bidder shall support 24/7 real-time remote monitoring and operation.*
- *Minimum of 30-day on-site memory storage capacity.*
- *Power factor greater than 0.93 during operation.*
- *Bidder shall design Units to the site-specific seismic criteria and weather conditions.*
- *The Bidder shall provide such temporary structures as required for proper storage of materials and equipment during construction prior to the COD.*
- *Code compliance with applicable industry standards (IEEE, UL, NFPA, NEC, etc.)*

### **3.2 Project Site**

*FEC will provide the site located at the Lavon Substation in Collin County, Texas. This site encompasses approximately 10 acres and is owned by FEC. FEC expects that approximately 6 acres of the site can be utilized for solar and BESS development. Bidders are responsible for complying with all permitting requirements during the construction of the Project.*

## 4. BIDDER TERMS

### 4.0 Pricing

- a. *Proposals must include all costs necessary to deliver capacity and energy from the facility to the FEC system including, but not limited to, construction and interconnection of the facility. All proposal terms, conditions, and pricing are binding through the final selection notification, subsequent negotiations, as well as regulatory approvals.*
- b. *By submitting a Proposal, each Bidder agrees to make available to the Company at any point in the bid evaluation process any financial data associated with the Bidder and its proposed project so the Company may independently verify the Bidder submitted information. The Company may also use financial data contained in Bidder financial statements (e.g., income statements, balance sheets, etc.) as necessary.*

### 4.1 Collusion

*By submitting a proposal to FEC in response to this RFP, the Bidder certifies that the Bidder has not divulged, discussed, or compared its Proposal with any other Bidder(s) and has not colluded whatsoever with any other Bidder or third parties with respect to this or other Proposals.*

## 5. RFP SCHEDULE

*The following schedule and deadlines apply to this solicitation:*

<i>RFP Issuance Date</i>	<i>August 30, 2023</i>
<i>Notice of Intent to Bid Due Date</i>	<i>September 5, 2023</i>
<i>Final Submission of Questions Date</i>	<i>September 5, 2023</i>

<i>Response to Questions</i>	<i>September 7, 2023</i>
<b>Proposal Due Date</b>	<i>September 14, 2023</i>
<i>FEC Selection of Project Tentative Date</i>	<i>September 18, 2023</i>
<i>Contracts Negotiations Tentative Date</i>	<i>September 28, 2023</i>
<i>Target Commercial Operation Date</i>	<i>March 31, 2025</i>

*FEC reserves the right to modify, cancel, or withdraw this RFP and to revise the schedule specified above if, at FEC's sole discretion, such changes are necessary. To the extent reasonably possible, FEC will inform Bidders that have filed a Notice of Intent to Bid of any schedule change.*

## **5.0 RFP Issuance**

*FEC will post its 2023 Lavon Substation Solar & Battery RFP on FEC's website on the RFP issuance date.*

*Bidders who intend to bid must confirm receipt of the RFP invitation via e-mail to FEC's point of contact, Paula Feuerbacher at the following email address:*

[pfeuerbacher@fecelectric.com](mailto:pfeuerbacher@fecelectric.com)

## **5.1 Notice of Intent to Bid**

*Bidders must submit a Notice of Intent to Bid, by 5:00 pm Central Prevailing Time (CPT) on August 25, 2023. The Notice of Intent to Bid may be submitted via email to Paula Feuerbacher at [pfeuerbacher@fecelectric.com](mailto:pfeuerbacher@fecelectric.com). Failure to submit a Notice of Intent to Bid may result in exclusion from participation in the bidding process.*

*It is the sole responsibility of the Bidder to ascertain that the Notice of Intent to Bid is received by FEC prior to the date and time specified.*

*Receipt of the Notice of Intent to Bid will be confirmed via e-mail response from FEC to the Bidder.*

## **5.2 Final Submission of Bidder Questions**

*All questions related to the RFP must be submitted by August 25, 2023 via email to the following FEC representative to ensure a response prior to the proposal due date.*

*Paula Feuerbacher  
Manager, Distributed Energy Resource Services  
E-mail: [pfeuerbacher@fecyclelectric.com](mailto:pfeuerbacher@fecyclelectric.com)*

*FEC will prepare responses to questions received and may distribute the questions and responses to Bidders that filed a timely Notice of Intent to Bid. Responses may be distributed to such Bidders with the question included but will not identify who originally submitted the question. Any questions related to the RFP must be submitted in writing via email.*

## **5.3 Proposal Due Date**

*A soft copy of the Proposal must be received via email to the attention of:*

*Paula Feuerbacher  
Manager, Distributed Energy Resource Services  
E-mail: [pfeuerbacher@fecyclelectric.com](mailto:pfeuerbacher@fecyclelectric.com)*

*Any proposal submitted after the due date may be excluded from consideration.*

*Bidder is solely responsible for ensuring the Proposal is received by FEC in accordance with the RFP instructions prior to the date and time specified, and at the place specified. FEC will not be responsible for any delays in delivery.*

#### 5.4 Tentative Date for Selection of Projects

*Following a review of technical, economic, and potential environmental factors, FEC will make a determination if the project best meets its objectives and may initiate negotiations with Bidder. FEC intends to select a project and notify selected bidder by September 6, 2023.*

#### 5.5 Tentative Date for Contract Discussions

*Should FEC choose to initiate negotiations with Bidder, the tentative date for completion of contract negotiations with the Bidder is **September 15, 2023**. FEC, at its sole discretion, reserves the right to reject any proposed contract(s) that result from this RFP for any reason including if subsequently issued regulatory approvals or authorizations are subject to conditions, including ratemaking treatments, which are unacceptable to FEC.*

#### 5.6 Proposal Validity

*Each Bidder must hold its proposal open and valid for a period of 365 days following the submittal and during the time necessary to complete state regulatory approvals.*

#### 5.7 FEC Purchase of Bidder's Facility

*Flexibility is afforded to Bidders regarding the facility's characteristics, as may be necessary to meet the requirements of the RFP. Proposals for Projects whose production bid amounts would exceed FEC's required AC capacity will not be considered.*

*Proposals must also provide an available energy profile (MWh or kWh) on an hourly basis for an average day in each month. FEC reserves the right to request additional information from the Bidder regarding limitations or any other details related to the proposal.*

*FEC is responsible for obtaining any required regulatory approvals, but Bidder agrees to provide necessary information and cooperation to facilitate such approval. Bidders are responsible for acquiring and maintaining all applicable present and future federal, state, and local approvals, licenses, permits, or variances and for meeting specific requirements to engineer, procure, and construct any generation facility and any associated interconnection facilities.*

*For Proposals, Bidders must provide a specific cost forecast for ongoing operations and maintenance ("O&M"). An O&M manual must be provided to FEC that details the maintenance schedule and cycle for the solar facility's and BESS' components. FEC is also interested in receiving proposals that include ongoing*

*O&M performed by Bidders or a third-party contractor under an O&M contract. Bidder should specify contract terms and operating cost guarantees for this option. Preference will be given to those Proposals that include a guaranteed energy output and capacity coupled with five years of O&M services for the Project.*

*Bidders must provide specific plans and processes for decommissioning the facility when the end-of-life stage of the units is achieved. The decommissioning plan should include any options and/or services offered by manufacturers of the equipment for safe disposal or recycling of PV/BESS, and processes to remove the facility and restore the premises to its former condition. The decommissioning plan should provide a specific cost forecast for decommissioning and removal of the facility at the end of year 30 of production.*

### 5.8 Interconnection Requirements

*A meeting will be scheduled with the selected Bidder to discuss the interconnection requirements and associated costs.*

*For Proposals, the Project must deliver capacity and energy by directly interconnecting to FEC’s distribution system (dependent on feeder/system characteristics). The Project will be interconnected at the distribution level and the solar and battery assets should have the following characteristics:*

**SUMMARY OF SYSTEM REQUIREMENTS REQUESTED**

<p><b>Solar Facility Capability &amp; Equipment</b></p>	<p>0.99 MWac                      Tracking solar (min 52 degrees)                      Bi-facial, tier 1 modules, with high wind &amp; hail warranty                      String inverters with minimum inverter ratio of 1.35-1.65                      480V transformer (480/14,400)</p>
<p><b>BESS Unit Capability &amp; Equipment</b></p>	<p>2MWh (AC) battery capacity                      Lithium-Ion Batteries, min 10-year warranty                      BESS expected to cycle daily                      BESS control to be integrated into FEC SCADA</p>

*For interconnection inquiries relating to this RFP, Bidder must pose questions via email to FEC’s point of contact:*

*Paula Feuerbacher  
 Manager, Distributed Energy Resource Services  
 E-mail: [pfeuerbacher@fcelelectric.com](mailto:pfeuerbacher@fcelelectric.com)*

## 6. SUBMITTAL PREPARATION INSTRUCTIONS

### 6.0 General Information

a. Currency

*Prices and dollar figures must be clearly stated in nominal United States Dollars.*

b. Schedule

*Proposals shall be submitted in strict accordance with the RFP schedule.*

c. Extensions

*FEC is not obligated to grant any extensions to the RFP schedule nor is it obligated to accept late proposals. Any proposal received after the scheduled date may be eliminated from consideration and the Bidder will be notified of its elimination.*

d. Reservation of Rights

*FEC reserves the right to accept or reject, at its sole discretion, any or all proposals for any reason at any time after submittal. FEC also reserves the right to select an offer that is not the lowest price, if FEC determines that to do so would result in the greatest value to FEC's member customers.*

e. Failure to Comply

*Failure to comply with any requirements of this RFP may result in the rejection of the applicable proposal at FEC's sole discretion.*

f. No Liability

*Bidders that submit Proposals do so without legal recourse against FEC or its directors, management, employees, agents, contractors, or independent monitor based on FEC's rejection of any proposal or for failure to execute any agreement in connection with this RFP. FEC will not be liable to any Bidder or to any other party in law or equity, for any reason whatsoever relating to FEC's acts or omissions arising out of or in connection with this RFP. FEC further declares that it will incur no financial liability or obligation for Bidder's costs in preparing proposals.*

g. Return of Documents

*None of the materials received by FEC from Bidders in response to this RFP will be returned. All proposals and exhibits will become the property of FEC, subject to the provisions for confidentiality described in this document.*

### 6.1 Proposal Content

*The Proposal must be prepared in accordance with the guidelines set forth in this section. Failure to follow the preparation instructions may result in the exclusion of the Proposal from consideration. FEC reserves the right to conduct any further*

*due diligence it considers necessary to fully understand and evaluate the proposal.*

*The Proposal should be organized by section as described below. Each page of the Proposal shall have the following information in the top right-hand corner.*

- *2023 Lavon Substation Solar & Battery RFP*
- *Bidder Name*

*All of the following sections shall be completed or identified as “Not Applicable”.*

*A complete Proposal will include a thorough written discussion about the project, assembled in the following format:*

*Tab 1 - Executive Summary*

*Tab 2 - Project Description and Technical Information*

*Tab 3 - Project Costs*

*Tab 4 - Experience and Qualifications*

*Tab 5 - Distribution and Interconnection*

*Tab 6 - Company Financial Information*

### **Tab 1 - Executive Summary**

*The Executive Summary should provide an overall description of the Proposal. The description should include details about the type of solar energy and BESS Project being proposed and key benefits to FEC. At a minimum the summary should specify the technology, size of Project, first year energy output, Project cost, and an explanation of how and to what extent the Bidder intends to use local distributors, manufacturers, and contractors, where possible, to construct the solar generating facility and battery energy storage system.*

### **Tab 2 – Project Description and Technical Information**

*All Proposals must include a thorough description of the project including, but not limited to, the following:*

#### **Project Description**

*All Proposals must provide a comprehensive description of the Project, including the Project name, location, nameplate AC capacity rating, accredited capacity, in-service date, equipment and configuration, permitting, interconnection plan, milestones, meteorological studies/performance simulation data, and any other pertinent information.*

#### **Equipment Description**

*At a minimum, Proposals should indicate for all major equipment the (1) manufacturer; (2) model name and number; (3) key metrics and characteristics*



of the equipment; (4) performance history of the equipment; (5) terms of product, workmanship, performance, and any other warranties and/or guarantees; (6) contracting status; and (7) availability of equipment and planned delivery dates. Bidders must highlight any smart inverter features that add operational and resilience value to the project.

The following technical information should be discussed in this section, as applicable for the project proposed.

- Equipment data sheets
- Major equipment manufacturers' point of contact
- Description of technology and configuration
- Status of site control consistent with minimum requirements
- Site layout map and characteristics
- Summary of the commercial operating experience of the equipment used or to be chosen
- Solar/BESS system layout and characteristics
- Electrical interconnection metering
- Level of efficiency
- Solar DC and AC ratings
- BESS DC and AC ratings, charge/discharge ratings
- Annual degradation rate, BESS life cycle
- Communications, control, instrumentation, and protective devices
- Facility limitations that may constrain operation
- Hourly energy profile spreadsheet
- Proposed construction period
- Project Management
- Quality assurance plans
- Performance guarantees and warranties
- Start-up standard testing
- Factory and performance tests
- Description of pre-operational milestones (i.e., construction financing, commencement, installation, testing and completion dates)
- Description of frequency and duration of scheduled maintenance of facility
- Provide any information that could impact the cost, construction schedule or output capability of the project

### **Project Schedule**

All Proposals must provide a detailed schedule of Project development activities and target completion dates for financing, engineering, permitting, notice to proceed, equipment procurement, construction, startup, and commissioning. Proposals must also describe the overall development strategy and work plan that will ensure that the project can be developed in time to meet the proposed commercial operation date of March 31, 2025.

*Bidders must provide a high-level project development and completion schedule along with key milestone dates for the Proposal submitted. Bidder must provide a project schedule which demonstrates how the Bidder intends to mobilize its workforce and resources to complete the Project within the proposed schedule.*

### **Risk Management and Insurance Program**

*Bidders shall provide a list of existing insurance contracts, listing policies by coverage, expiration date, insurer and limits per policy. Also, on a per coverage basis, provide current experience modifier and prior Loss History for the last three (3) years. Bidders shall also describe their Risk Management program if insurance coverage will derive from a parent company. Additional information may be requested based on information provided with the original proposal.*

### **Operations and Maintenance (“O&M”) Plan**

*Bidders shall describe the operations and maintenance plans or services for the generation facilities associated with their Proposals. Bidder should discuss the current or expected O&M plan, including staffing, budget, management and control over any facility, authority over the O&M budget, and guarantees on O&M costs. Additionally, Bidder should provide a description of the basic philosophy for performing O&M and include a discussion of contracting for outside services, if applicable. For Proposals, Bidders are required to submit the cost of a five-year O&M service plan with the option to extend.*

### **Decommissioning Plan**

*Bidders shall describe decommissioning plans or services for the generation facilities associated with their Proposals. Bidders should discuss current and/or expected decommissioning plans, including staffing, budget, processes, etc. The decommissioning plan should guarantee that the premises will be restored to its former condition. Bidders are required to submit a cost forecast for decommissioning and removal of the facility at the end of year 30.*

### **Permitting, Regulatory and Environmental Compliance**

*Bidders are exclusively responsible for meeting all required federal, state, and local permits, licenses, approvals and/or variances, current or future. Bidders are required to demonstrate that all required permits have been attained or provide a specific timeline for future permit approval.*

*Provide information on the following as applicable.*

- *Regulatory permits*
- *Environmental Clearance for sensitive resources (such as cultural, protected species, etc.)*
- *Other applicable permits*

### **Tab 3 –Project Cost**

*Proposals must clearly state the solar and optional BESS installed facility cost and interconnection costs separately. Proposals must include an itemized breakout of the Project costs including, but not limited to, solar only, solar plus battery option, distribution system, modules, inverters, transformers, balance of plant, installation labor, engineering, O&M service plan, decommissioning plan, taxes, etc. Bidders must offer project costs valid for at least 365 days following the proposal due date and during the time required for FEC to obtain any regulatory approvals.*

### **Tab 4 – Experience and Qualifications**

*The capability and experience of any Bidder must be demonstrated to provide assurance that the Bidder, and any other party involved in the Proposal, has adequate competence, resources and skill. Each Proposal must include the following information as a minimum.*

- *Description of technical experience, specifically with respect to solar energy facilities similar to those proposed and collaboration efforts with electric utilities, if any*
- *Description of operations and maintenance experience including megawatts monitored and maintained, years providing O&M services, experience with different types of panels and technologies, and number of team members dedicated to O&M services*
- *Description of completed projects, total megawatts installed and customers with a specific identification of projects on which the Bidder has served as an EPC contractor, PPA provider, or similar role.*
- *Years in business*
- *Description of financial backing*
- *Description of major components directly manufactured by bidder and those that will be procured from another company*
- *Description of licenses applicable at project location*
- *References for similar projects*

### **Tab 5 – Distribution Interconnection**

*Projects must interconnect at distribution grid voltage level with the FEC System. Bidders should describe and include possible point(s) of interconnection with the FEC system and/or list any possible upgrades needed/recommended to be able to interconnect the Project at the proposed point. Proposals should include a listing, description, and associated timing for required permitting up to the interconnection point/facilities.*

## Tab 6 – Financial Information

*The financial viability of any proposal must be demonstrated to provide assurance that the Bidder, and any other party involved in the proposal, has adequate financial capability. Each proposal must include the following information at a minimum:*

- *Most recent financial report for the Bidder and any other parties involved, or most recent copy of Certified Public Accountant (“CPA”) audited (or Reviewed) income statement, balance sheet and cash flow statement*
- *Provide Annual reports for the three most recent fiscal years that include CPA audited (or Reviewed) financial statements or CPA audited (or Reviewed) consolidated income statement and balance sheet for the three most recent fiscal years*
- *Investment rating of Bidder or its parent company by Moody’s and/or Standard & Poor’s as applicable*
- *Description of any current credit issues raised by rating agencies, banks, or accounting firms*
- *Partnerships within the financial community*
- *Megawatts of past financed projects*
- *Financial guarantees from affiliates or others, as appropriate*

*Note: FEC will request that the selected Bidder provide points of contact for financing partners/institutions and manufacturers providing lines of credit, a list of all lawsuits, regulatory proceedings, or arbitration in which the Bidder or its affiliates or predecessors have been or are engaged in that could affect Bidder’s performance of its bid. Identify the parties involved in such lawsuits, proceedings, or arbitration, and the final resolution or present status of such matters.*

## 7. EVALUATION PROCESS

*FEC will assess the proposal, pursuant to the requirements of the RFP and the evaluation criteria developed by FEC. FEC will evaluate bids based on all-in turnkey installed cost, overall cost and life cycle cost on a net present value basis, utilization of local inputs, and other relevant factors. The assessment will consider economic and technical factors. **FEC does have a preference for turnkey EPC Proposals with Operation and Maintenance components and will assess Proposals accordingly.***

## **Proposal Review**

*FEC will use both quantitative and qualitative criteria to evaluate Proposals. FEC will first determine if each Proposal satisfies the threshold requirements summarized below. Only those Proposals that satisfy the requirements of the screening evaluation will be further evaluated. If at any time during the evaluation process, FEC determines that a Proposal does not meet its requirements, including timely submission of all documents pursuant to this RFP, such Proposal may be excluded from consideration for this RFP and FEC will notify the Bidder accordingly during its notification process.*

*Favorable proposal characteristics include:*

- *Solar Projects – FEC seeks Projects utilizing established solar energy technologies*
- *Low Cost – FEC seeks Proposals that will provide low-cost energy*
- *High Efficiency and Performance – Proposals that provide high efficiency and performance will provide additional value to FEC*
- *Completeness and Responsiveness – Proposals must meet all criteria set forth in the RFP. A thorough explanation of all aspects of the proposal should be included. Detailed Project Engineering should be provided.*
- *Financial Viability and Creditworthiness – Success of the Project relies on the financial capabilities of all parties involved; Bidders should have a proven financial track record and be able to provide documentation that demonstrates access to financial resources required to complete the Project*
- *Experience – FEC seeks Proposals from Bidders that possess extensive engineering, construction, technical, operating and maintenance experience, and a history of successful projects of a similar nature*
- *Compliance with Texas regulations*

## **Threshold Evaluation**

### **Step 1 – Bid Eligibility Determination**

*Each Proposal will be reviewed to determine if it meets the requirements outlined in this RFP. The Company reserves the right to reject any, all, or portions of any Proposal received for failure to meet any criteria set forth in this RFP. The Proposal must be submitted on time and comply with the submission instructions.*

### **Step 2 – Initial Bid Screening Process**

*The Company will calculate the levelized cost per megawatt hour (“\$/MWh”) for each bid based on information provided in the Proposal and will rank the results from lowest cost to highest cost. A reasonable number of the lowest priced Proposals will be identified for further evaluation efforts. Proposals with prices significantly above the others may not receive further screening evaluation.*

### **Step 3 – Due Diligence**

*The Company will conduct due diligence efforts on those proposals that pass*

through the initial screening process described in Step 2.

Other Due Diligence

The Company will conduct other due diligence as part of the overall bid evaluation process, including, but not limited to, consideration of the following Proposal characteristics:

- Bidder or developer experience
- Financial strength/credit worthiness of the bidder
- Reasonableness of the generation profile proposed
- Development, construction and operation experience
- Solar technology, availability, and warranties
- Risk Management, coverages, loss histories, description of program
- Environmental permitting and compliance
- Safety record
- QA/QC experience
- Project operational characteristics
- Supply-Chain risk
- Counterparty viability
- Transmission or distribution access plan feasibility and arrangements
- Transmission or distribution upgrades schedule assessment
- Construction and equipment supply plans and arrangements
- Operations & Maintenance Plan
- Project execution planning
- Bidder's ability to complete project within the proposed schedule
- Environmental impact and profile
- Contract risk related to the development of the project
- Bidder's performance on previous projects with the Company

**7.1 FEC's Selection of Bids and Discussions with Bidders**

a. Meetings with Shortlisted Parties

FEC may conduct meetings with shortlisted Bidders to gain a greater understanding of the structure and components of each proposal. FEC may also require the shortlisted Bidders to submit project and/or Bidder-specific pro forma financial statements by year for the applicable facility development and construction period, including income statements, balance sheets and statements of cash flows. FEC will reevaluate any significant changes to the Proposal based on new understanding of each shortlisted Bidder's Proposal as a result of the shortlist meetings.

b. Final Evaluation and Selection

After conclusion of Bidder meetings, as needed, and detailed evaluation, FEC may select a Proposal for negotiation of the EPC and O&M Agreements. FEC will notify shortlisted Bidders whose Proposals are eliminated from further consideration in accordance with the RFP schedule.

*c. Right to Terminate Negotiations*

*If FEC cannot reach acceptable EPC and O&M agreement terms with the final selected Bidder or Bidders, FEC reserves the right to terminate negotiations with such Bidders and begin discussions with other Bidders, begin a new solicitation, or cancel this RFP. Furthermore, FEC at its sole discretion, reserves the right to not select any Proposals for negotiation of EPC and O&M agreements if warranted by its evaluation.*

**8. NOTICE OF DISCLAIMER**

*FEC has prepared the information provided in this RFP to assist interested persons and entities in making a decision whether to respond with a proposal. FEC reserves the right to modify, change, supplement or withdraw the RFP at its sole discretion. No part of this document or any other correspondence from FEC, its employees, officers or consultants shall be taken as legal, financial, or other advice, nor as establishing a contract or any contractual obligations. All communication between Bidders and FEC shall be conducted in writing.*

*FEC makes no representations or warranties regarding the completeness of the information contained within the RFP and does not purport that this RFP contains all of the information needed for Bidders to determine whether to submit a proposal. Neither FEC nor its employees, officers or consultants will make, or will be deemed to have made, any current or future representation, promise or warranty, expressed or implied, as to the accuracy, reliability or completeness of the information contained within the RFP or any other information provided to Bidders.*

*Bidders who submit proposals do so without legal recourse against FEC, or FEC's directors, management, employees, agents or contractors, due to FEC's rejection, in whole or in part, or their proposal or for failure to execute any agreement with FEC. FEC shall not be liable to any Bidder or to any other party, in law or equity, for any reason whatsoever related to FEC's acts or omissions arising out of, or in connection with, the RFP process.*

*FEC reserves the right to reject, for any reason, any and/or all proposals. FEC further reserves the right to waive any irregularity or technicality in proposals received, or to consider alternatives outside of this solicitation, at its sole discretion, to satisfy its capacity and energy needs. In addition, FEC reserves the right, at its sole discretion, to modify or waive any of the criteria contained herein and/or the process described herein.*

*No Bidder will have any claim whatsoever against FEC, its employees, officers, or consultants arising from, in connection with, or in any way relating to this RFP. Without limiting the generality of the foregoing, each Bidder agrees, by and through its submission of a proposal, that rejection of a proposal will be without*

*liability on the part of FEC, its employees, officers, or consultants, nor shall a Bidder seek recourse of any kind against any of the foregoing on account of such rejection. The filing of a proposal shall constitute an agreement of the Bidder to each and all of these conditions. Each Bidder and recipient of this RFP is responsible for all costs incurred in evaluating, preparing and responding to this RFP. Any other costs incurred by any Bidder during negotiations are also the responsibility of the Bidder.*