

PIKE SOLAR LLC



Appendix AL- Utility Request for Proposal



Colorado Springs Utilities

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REQUEST FOR PROPOSAL (RFP)

For

RFP-GM-141545 Renewable Energy Solicitation

COLORADO SPRINGS UTILITIES

Energy Services Division

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RFP Due Date: May 31, 2018

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The following Exhibits apply and are attached or otherwise incorporated where referenced below:

- EXHIBIT A STATEMENT OF WORK
- EXHIBIT B SUPPLIER RESPONSE FORMS
- EXHIBIT C SAMPLE PPA CONTRACT FORM AND EXHIBITS
- EXHIBIT D INTENT TO RESPOND FORM
- EXHIBIT E CONTRACTOR SAFETY FORMS
- EXHIBIT F TIER II CONTRACT LANGUAGE
- EXHIBIT G CONTRACTOR SECURITY
- EXHIBIT J CONTRACTOR MANAGEMENT ENVIRONMENTAL SURVEY
- EXHIBIT K BOND SURETY: Performance Payment
- EXHIBIT N CHEMICAL AND HAZARDOUS WASTE RESPONSIBILITY

SECTION 1: INTRODUCTION AND BACKGROUND

1.01 INTRODUCTION

This Request for Proposal provides prospective firms with sufficient information to enable them to prepare and submit proposals for Renewable Energy Solicitation.

This solicitation provides Colorado Springs Utilities (UTILITIES) Procurement and Contract Services Manager with the option of extending the opportunity to include any Colorado governmental agencies, departments, units or sections in any awarded agreement without modifying the terms and conditions herein. All such requests by Colorado governmental agencies shall be coordinated by UTILITIES' Procurement and Contract Services Manager.

UTILITIES is an enterprise of the City of Colorado Springs, a Colorado home rule city and municipal corporation. UTILITIES is subject to the Colorado Open Records Act, C.R.S. 24-72-201 *et seq.* ("CORA") and, as such, all responses to solicitations received by UTILITIES shall be subject to CORA. Any documents that Respondent needs to identify as confidential must be in accordance with CORA and this RFP. In the event of a CORA request for such documents, Respondent acknowledges that Respondent will be requested to indemnify UTILITIES from and against all attorney fees and costs, incurred by or awarded against UTILITIES in connection with any litigation brought under C.R.S. 24-72-204(5) challenging UTILITIES' denial of inspection and copying of these records, if UTILITIES agrees to withhold from disclosure documents identified by Respondent as "trade secrets, privileged information and/or confidential, commercial, financial, geological or geophysical data" under C.R.S. 24-72-204(3)(a)(IV).

1.01 DEFINITIONS

Please note the following definitions of terms as used herein:

Contract – UTILITIES' standard PPA contract and terms referenced under Exhibit C

Respondent - the person, firm, or corporation that submits a formal sealed proposal which may or may not be successful in being awarded a contract

Request for Proposal (RFP) - all documents, whether attached or incorporated by reference, utilized for soliciting competitive proposals

1.02 REQUESTS FOR INFORMATION / CLARIFICATION

Any requests for clarification or additional information regarding the submission of this RFP shall be directed to:

Glenn Machos, Principal Contracting Agent
Colorado Springs Utilities Procurement and Contract Services Office
PO Box 1103
Colorado Springs, CO 80947-0920
Phone 719-668-7380 gmachos@csu.org

The person listed above is the designated liaison between UTILITIES and Respondent. **Any unauthorized contact regarding the subject matter of this RFP between any Respondent, its agent, employees, or others on the Respondent's behalf and UTILITIES' staff, other than Procurement and Contract Services personnel may result in rejection of the Respondent's proposal.**

All requests for clarification or additional information regarding this RFP must be submitted via email to gmachos@csu.org with a subject line that reads: "**Clarification Question: RFP-GM-141545 Renewable Energy Solicitation**". Requests for clarification must contain the specific reference to the applicable RFP Page and Section Number pertinent to the question. All requests for clarification or additional information must be submitted to the designated liaison above no later than May 17, 2018.

Email the letter of Intent to Respond (Exhibit D), to include response decisions, to the designated liaison on or before May 17, 2018. It is not required to include Exhibit E in the final response package submitted to UTILITIES. Note: This is not part of the proposal submission and is due prior to proposal submission.

1.03 SUBMISSION OF PROPOSAL

- Respondents are required to submit the following:
 - One (1) original bound copy of the Technical Proposal
 - (5) bound copies of the Technical Proposal
 - One (1) CD copy of the Technical Proposal (no flash drives permitted)
 - One (1) original bound copy of the Cost Proposal
 - (2) bound copies of the Cost Proposal
 - One (1) CD copy of the Cost Proposal (no flash drives permitted)

Cost and Technical Proposals must be in separate envelopes clearly marked "Cost" or "Technical".

- All proposals must be received no later than 4:00 PM, Local Time , May 31, 2018, at UTILITIES Procurement and Contract Services Office. Responses shall be addressed as follows:

Hand or Overnight Delivery

RFP-GM-141545 Renewable Energy Solicitation
Colorado Springs Utilities
Procurement and Contract Services Office
121 S. Tejon St., Suite 200
Colorado Springs, CO 80903

Proposals may be either mailed or hand-delivered. Respondent shall be responsible for actual delivery of the proposal to the proper office before the deadline. Under no

circumstances will UTILITIES accept a late proposal. Any proposals received after the deadline shall be either returned unopened or destroyed upon Respondent's permission.

The proposal must contain the signature of a duly authorized officer or agent of Respondent's company empowered with the right to bind Respondent's company.

Each proposal must be sealed to provide confidentiality of the information prior to the submission date and time. All proposals shall be firmly wrapped and securely sealed, addressed to Colorado Springs Utilities Procurement and Contract Services Office, clearly marked "RFP-GM-141545 Renewable Energy Solicitation". UTILITIES will not be responsible for premature opening of proposals not properly labeled.

All proposals become the property of UTILITIES upon receipt. The content of all proposals will be kept confidential until an award is made, after which the content will no longer be kept confidential, except as provided herein.

Proposals may be withdrawn or modified in writing prior to the proposal submission deadline. Proposals that are resubmitted or modified shall be sealed and submitted to the Procurement and Contract Services office prior to the proposal submission deadline.

UTILITIES hereby notifies all Respondents that in regard to any contract entered into pursuant to this RFP, small and disadvantaged business enterprises will be afforded full opportunity to this request for proposal and will not be discriminated against on the grounds of race, religion, color, sex, age or national origin in consideration for an award.

1.04 SCHEDULE OF EVENTS

<u>Event</u>	<u>Date and Time (Mountain Time)</u>
Solicitation Released	April 25, 2018
MANDATORY Pre-Proposal Conference	May 15, 2018 9:00 AM
Questions from Respondents	May 17, 2018
Intent to Respond (Exhibit E)	May 17, 2018
Due Date & Time for Proposals	May 31, 2018 4:00 PM, Local Time
Targeted Award Date	TBD

1.06 PROPOSAL CONTENT AND MINIMUM SUBMITTAL REQUIREMENTS

Respondents are encouraged to submit clear responses to the RFP. Responses of excessive length or that are overly elaborate are discouraged. UTILITIES reserves the right to include any and all portions of the selected proposal in the final contract. Due to the need for an expedient review of proposals and selection of a Respondent, Respondents are cautioned against submitting excessive and extraneous material not directly responding to the issues raised in the RFP. Instructions regarding scope and content are given in this section. These instructions are designed to ensure the submission of information essential to the understanding and comprehensive evaluation of the proposal.

To be considered responsive, all proposals MUST include the following information with an emphasis on adding value to UTILITIES. In order to expedite the evaluation of proposals, Proposals not addressing the following items may be considered non-responsive.

- A. Compliance with all of the requirements as identified in Exhibit A. Any non-compliance shall be explained in detail.
- B. The responses to each section of Exhibit B, RFP Response Form following the format of Exhibit B.
- C. Completion and submission of all required exhibits and/or attachments as described in the RFP.

SECTION 2: ADMINISTRATIVE REQUIREMENTS

2.01 AGREEMENT TERMS AND CONDITIONS

The terms and conditions set forth in the Exhibit C documents shall govern any contract(s) ensuing from this RFP. By submitting a proposal in response to this RFP, the Respondent accepts the terms and conditions set forth in this RFP, including Exhibits thereto. Failure to accept these terms and conditions may result in the proposal being deemed unresponsive.

Additional terms and conditions, requests for clarification, or any alterations to terms and conditions contained herein, submitted by a Respondent after the solicitation due date, may not be accepted, considered for negotiation or incorporation into the terms of the awarded contract.

2.02 OBJECTIVE OF REQUEST FOR PROPOSAL

The objective of this RFP is to provide sufficient information to enable qualified Respondents to submit written proposals. The RFP is not a contractual offer or commitment to purchase products or services.

All information must be legible. Any and all corrections and or erasures must be initialed. The original proposal shall be accompanied by a transmittal letter signed in ink by an authorized representative of Respondent.

This RFP refers to UTILITIES and the City of Colorado Springs. Any rights exercised by UTILITIES hereunder may be exercised by the City and vice versa.

2.03 MANDATORY PRE-PROPOSAL CONFERENCE

A Mandatory Pre-Proposal Conference is scheduled for **May 15, 2018 at 9:00 AM.**

Location: The Conservation and Environmental Center, 2855 Mesa Road, Colorado Springs CO 80904. Please park in the rear of the building and stage at the rear door.

In the afternoon, there will be the opportunity to visit the Colorado Springs Utilities site locations. The site visits will be optional.

Proposals will only be accepted from those firms attending this meeting.

2.04 AWARD OF CONTRACT

Contract(s) may be negotiated by Procurement and Contract Services with Respondent(s) whose proposal is determined to be the most advantageous to UTILITIES, considering cost as well as other factors based on the criteria described herein, all as solely determined by UTILITIES. Award of contract may be made without discussion after proposals are received. Proposals should, therefore, be submitted initially on the most favorable terms, from both price and technical standpoints. UTILITIES reserves the right to award the contract in whole or in part.

2.05 ADDENDA TO THE REQUEST FOR PROPOSAL

If it becomes necessary to revise any part of this RFP, an addendum will be posted onto the Rocky Mountain E-Purchasing System website, which is available to all who have registered on the site. It is Respondent's responsibility to monitor and download any Exhibits and Addendums that may be posted on this website. **UTILITIES will not be held responsible for additional notifications to Respondents.**

2.06 RESPONDENT RESPONSIBILITY FOR PROPOSAL COSTS

UTILITIES is not liable for any cost incurred by any Respondent associated with the preparation of a proposal or the negotiation of a contract for services prior to the issuing of the contract.

Selected Respondents may be asked to present proposals and/or to demonstrate ability to provide products or services to UTILITIES' representatives in Colorado Springs or at another location agreeable to both parties. Respondents shall bear all costs for such presentations.

2.07 SUBSTANTIVE PROPOSALS

Respondent shall certify that (a) Respondent's proposal is genuine and is not made in the interest of, or on behalf of, an undisclosed person, firm, or corporation; (b) Respondent has not directly or indirectly induced or solicited any other Respondents to put in a false or sham proposal; (c) Respondent has not solicited or induced any other person, firm, or corporation to refrain or abstain from proposing a proposal; and (d) Respondent has not sought by collusion to obtain for themselves any advantage over any other Respondents or over UTILITIES; and (e) Respondent shall not violate or cause any person to violate, the Colorado Code of Ethics (C.R.S. 24-18-101 et. seq.).

2.08 PROPOSALS BINDING

Respondents are advised that proposals shall be binding upon the Respondent for **one hundred twenty (120) calendar days** from the proposal due date. Respondent may withdraw or modify its proposal any time prior to the proposal due date by written request, signed in the same manner and by the same person who signed the proposal.

2.09 DISCLOSURE OF PROPOSAL CONTENT

As stated in the Introduction, UTILITIES is subject to the Colorado Open Records Act or CORA. If a proposal contains confidential or proprietary information that Respondent does not want disclosed to the public, or used for any purpose other than the evaluation of this proposal, Respondent shall clearly and narrowly identify such information and indicate which section of CORA UTILITIES may claim that such exception to disclosure exists.

All such information must be indicated in accordance with the Supplier Response Form upon submittal.

Respondent acknowledges and agrees that all material provided to UTILITIES during the RFP process and contract negotiation and administration may be used without restriction by UTILITIES in the future. Respondent must be specific about any exceptions to this provision.

In the event that a proposal is rejected, UTILITIES reserves the right to use any of the concepts or ideas contained therein without incurring any liability.

All Respondent marketing and promotional documentation supplied as part of the Respondent's proposal may be included as addenda to any final contract that may result with said Respondent.

2.10 NOTIFICATION

All notifications will be posted onto the Rocky Mountain E-Purchasing System website, which is available to all who have registered on the site. It is the Respondent's responsibility to monitor and download any information that may be posted on this website. **UTILITIES will not be held responsible for additional notifications to Respondents.**

2.11 RIGHT TO REJECT PROPOSALS AND NEGOTIATION

UTILITIES reserves the right to reject any and all proposals and to waive any formality in proposals received, to accept or reject any or all of the items in the proposal, and award the contract in whole or in part, if it is deemed in UTILITIES best interest.

UTILITIES reserves the right to negotiate any and all elements of the proposal, if such action is deemed to be in the best interest of UTILITIES.

2.12 TAXES

The selected Respondent shall understand that, if awarded a contract, it shall apply to the Colorado Department of Revenue for a tax-exempt certificate for this project. The certificate does not apply to City of Colorado Springs Sales and Use Tax which shall be applicable and included in the proposal in all cases. The tax exempt project number and the exemption certificate only applies to County, PPRTA (Pikes Peak Rural Transportation Authority), and State taxes when purchasing construction and building materials **to be incorporated in this project**.

Furthermore, the exemption **does not** include or apply to the purchase or rental of equipment, supplies or materials that **do not become a part of the completed project or structure**. In these instances, the purchase or rental is subject to full taxation.

The Contractor and all subcontractors shall include in the proposal City of Colorado Springs Sales and Use Tax on the work covered by the contract, and other taxes as applicable.

Note: For all equipment, materials and supplies incorporated into the work purchased from vendors or suppliers not licensed to collect City Sales Tax (i.e. out of state suppliers, etc), City Use Tax is due and payable to the City. The contractor shall execute and deliver, and shall cause the selected Respondents subcontractors to execute and deliver to the City Sales Tax Office, ST 16 forms listing all said equipment, materials and supplies and the corresponding use Tax due, along with payment for said taxes unless already included in the proposal price. Any outstanding taxes due may be withheld from the final payment due the selected respondent.

Forms and instructions can be downloaded at www.springsgov.com/salestax. Questions can be directed to the City Sales Tax Division at (719) 385-5903.

Registration Numbers are as follows:

City of Colorado Springs
Federal I.D.: 84-6000574
Federal Excise: A-138557
State Sales Tax: 98-03479

2.13 NON-COLORADO CORPORATIONS

Before or at the time that any resultant contract is awarded to a corporation domiciled outside the State of Colorado, such corporation shall be responsible for meeting all local, state or federal statutes associated with performing the Work hereunder.

When required to perform the contract in Colorado, such corporation must obtain (and make available upon request) a certificate from the Secretary of the State of Colorado to the effect that a certificate of authority to do business in the State of Colorado has been issued by that office and is still valid.

2.14 DELIVERABLES AND PROJECT OBJECTIVES

Reference Exhibit A and respond to each section of Exhibit B.

2.15 SELECTION PROCESS

Each Respondent may be required to show that it has satisfactorily provided products and performed similar work in the past and that no claims of any kind are pending against such work. No proposal will be accepted from a Respondent who is engaged in any work which would impair its ability to perform or finance this Work. All such work shall be revealed in the proposal.

No proposal will be accepted from, nor will a contract be awarded to, any Respondent who is in arrears to UTILITIES and/or the City of Colorado Springs, Colorado, upon any debt or contract, or who is in default, as surety or otherwise, upon any obligation to UTILITIES or is deemed to be irresponsible or unreliable by UTILITIES.

The selection committee will use all facts, information, and data available to finalize its evaluation. On the basis of qualifications, technical and cost response to this RFP and subsequent evaluation activities, the selection committee intends to recommend one or more Respondent(s) to provide the required scope of this RFP.

Failure of the Respondent to provide any information requested in this RFP may result in disqualification of the proposal. UTILITIES, at its sole discretion, may elect to request clarification for the sole purpose of eliminating minor irregularities, informalities, or apparent clerical mistakes in the proposal. The selection committee's sole objective will be to recommend the award of a contract to the Respondent with a proposal that is most responsive to UTILITIES needs and most advantageous to UTILITIES considering cost as well as other factors based on evaluation criteria described herein.

Proposals will be judged on the information provided in the proposal submission or provided in response to interview questions, if interviews are conducted. The following criteria will be used to evaluate the proposals:

- A. Previous background and experience relevant to this RFP.
- B. Schedule of pricing, rates and/or fees for services proposed (to be in separate sealed envelope.)
- C. Technical content of the proposal, and how well the stated needs are addressed.
- D. Adequacy and completeness of the proposal with regard to the information specified herein; i.e., compliance with and acceptance of all terms, conditions, and all other provisions contained in the RFP.

Discussions (oral or written), if held at the sole discretion of the evaluation committee, may be used to ensure an understanding of the requirements as part of the evaluation process when the proposal alone will not suffice. A Best and Final Offer may be requested after discussions are completed. Negotiations are at the discretion of UTILITIES.