

**REQUEST FOR PROPOSALS
FOR
CAPACITY AND ENERGY SUPPLY**



**Tri-State
Generation and Transmission
Association, Inc.**

1100 W. 116th Avenue
Westminster, CO 80234

Issue date: May 18, 2022

Tri-State Generation and Transmission Association, Inc. Request for Proposals (RFP)

Introduction

Tri-State Generation and Transmission Association, Inc. (Tri-State) is a member-owned rural electric generation & transmission (G&T) cooperative headquartered in Westminster, Colorado. Tri-State provides wholesale power and energy to its 42 utility member electric distribution cooperatives and public power districts that collectively deliver electricity over a 200,000 square mile area to consumers in Colorado, Nebraska, New Mexico and Wyoming.

Purpose and Background

Tri-State is evaluating the procurement of renewable, semi-dispatchable and dispatchable resources as part of an All-Source RFP approved by the Colorado Public Utilities Commission (Commission).

Product Description

This single RFP covers three distinct types of resources as described below. Bidders should clearly indicate which resource type they are submitting a proposal for and be cognizant that there are distinct model contracts and Bidder Response Forms depending on the resource type. This RFP focuses on Power Purchase Agreements (PPA) as the transactional structure and does not focus on utility-build or ownership options.

Renewable Resources

All intermittent renewable and carbon-free resources without co-located storage whose pricing will be offered on an annual energy-only basis. This includes, but is not limited to, wind and solar, hydroelectric, geothermal, biomass and in Colorado, recycled energy or eligible coal-mine methane.

Semi-Dispatchable Resources

All stand-alone energy storage systems or resources coupled with storage systems that are limited in the amount of energy delivered during a particular cycle. This includes, but is not limited to, stand-alone battery systems, pumped hydro, compressed air energy storage systems as well as renewable resources with co-located thermal or battery storage.

Firm-Capacity Resources

New or existing gas generation or any other resource that can be dispatched by Tri-State for a reasonable amount of time without any restriction on duration at the rated maximum capacity threshold. Renewable or carbon-free resources such as hydroelectric, biomass or geothermal capable of this requirement may be bid into this resource type. Resources that include carbon capture technologies may be considered under this category as well.

Quantity, Timing and Term¹

Tri-State is seeking energy and capacity deliveries from projects with nameplate capacity ratings of greater than 20 MW and up to a maximum of 200 MW for delivery prior to 2027.

A Resource Acquisition Period through 2030 is required by Commission Rule 3605(a)(IV)(A); however, given changes in technologies, load and various other factors that can change over time, Tri-State commits to negotiate agreements only for specific projects with commercial operation dates on or before December 31, 2025.

Tri-State may also give consideration to highly competitive bids with commercial operation dates in 2026, but is not committing to acquire any such resources at this time. Bids with commercial operation dates later than December 31, 2026 will not be considered as part of this RFP.

Tri-State will only consider projects sourced from a unit-specific generation asset or from a group of generation assets with a single interconnection point. Tri-State will consider PPA terms between fifteen (15) and twenty-five (25) years.

System Description

Tri-State's 2019 member system peak demand was approximately 3,000 MW. Tri-State's current generation portfolio consists of a combination of owned baseload and peaking power plants that use coal and natural gas as their primary fuels, along with leased and contracted supplies of power that include a significant federal hydroelectric allocation, numerous utility scale wind and solar projects, and several small hydroelectric projects.

Tri-State owns and operates approximately 5,600 miles of transmission lines and is a network transmission service customer of Western Area Power Administration, PacifiCorp, Platte River Power Authority, Public Service Company of New Mexico, Public Service Company of Colorado, and Black Hills/Colorado Electric Utility Co. Tri-State also maintains various firm transmission rights on the Tri-State transmission system and with other transmission providers.

Tri-State dispatches generation owned by or under contract to Tri-State and performs wholesale market-related functions on its own behalf. Tri-State is a member of the Western Electric Coordinating Council (WECC) and the Western Systems Power Pool (WSPP). Tri-State currently meets its contingency reserve requirements through its membership in two regional reserve sharing groups.

Tri-State will be operating in two energy imbalance markets in the near term – the WEIM (Western Energy Imbalance Market) and the WEIS (Western Energy Imbalance Service)

¹ The scope for new resources to be acquired through an all-source competitive acquisition process is expected to be defined by the Commission's Phase I decision approving and/or modifying Tri-State's ERP application.

and expects the development of fully-organized markets in the western region over the course of this decade.

Location and Delivery

Tri-State will consider delivery of energy and capacity under this RFP to points of delivery in New Mexico, Colorado, Wyoming or Nebraska in the Western Interconnection. Transmission constraints in several areas of the Tri-State system may require generation curtailment, among other actions, to preserve the safe and reliable operation of the transmission grid as well as compliance with North American Electric Reliability Corporation (NERC) reliability standards applicable in the WECC. Bidder has the obligation to operate its project in a manner that preserves grid reliability and safety, and is solely responsible for any costs associated with such curtailment of its project. Such restrictions may be mitigated or eliminated by Network Upgrades as identified by the transmission provider during the interconnection process for projects located in transmission-constrained areas.

Proposals must identify the project's proposed delivery and interconnection point(s) as well as costs included and not included in the pricing with any and all transmission provider(s) required to provide delivery of the output from the proposed resource(s) to Tri-State.

Bidder will be responsible for meeting transmission provider requirements for interconnection, voltage regulation and associated reactive power capability, voltage ride through, power quality, and other criteria as required by the transmission provider's posted Generator Interconnection Procedures. A generator owner and operator will be required to register as appropriate with WECC and NERC.

Bidder is encouraged to consult each transmission provider's OASIS sites for information on generator interconnection requirements.

If the proposed project is intended to be interconnected with the Tri-State transmission system, Tri-State requests that bidders complete and submit a Voluntary Form of Consent with their proposals to allow Tri-State transmission personnel to communicate non-public, project-specific transmission/interconnection information to Tri-State's merchant function personnel. This document is posted on the RFP website: <https://tristate.coop/2022RFP>.

Pricing and Total Cost of Power Delivered to Tri-State

Prices shall be quoted in U.S. dollars and shall be binding upon the bidder unless expressly stated otherwise. If the bidder's pricing involves escalation or an index, the escalation terms and conditions, or specific index must be included for evaluation.

Proposals must include the total cost of power at the proposed delivery point(s), including but not limited to losses, transmission charges, and the cost of any other services required to be provided by the bidder or third parties. Bidder must clearly explain the costs and breakdown of the pricing components so that the total cost of power under the terms of the proposal can be evaluated on a stand-alone basis. Bidder should take care to separately identify and specify any transmission, interconnection and network upgrade costs both included and not included in the pricing on the Bidder Response Forms.

Environmental Attributes

Bidder shall provide and Tri-State will retain all environmental attributes associated with the proposed project's output, including but not limited to, renewable energy credits, green tags, greenhouse gas or carbon credits, and any other emissions attributes.

Financial Stability and Performance Guarantees

Financial capability and stability of the bidder and the demonstrated ability to fulfill its contractual obligations are important to Tri-State and will be an integral part of the bid evaluation process.

A successful bidder must satisfy Tri-State's financial security requirements. Tri-State will require financial security arrangements for PPAs, which may include a letter of credit, cash deposit, or other instrument to secure performance under the PPA that is acceptable to Tri-State. Bidder should describe the proposed credit enhancements or other means proposed to guarantee performance under any contract that might result from this RFP.

Bidder must provide sufficient evidence of financial and operational capability to provide the services outlined in the proposal during the contract term. Bidder, its parent, and any other guarantor of services under the bidder's proposal must provide audited financial statements and annual reports from the previous three years in order to demonstrate financial viability. The financial and operational viability of any third parties relied upon by the bidder for providing service to Tri-State must also be demonstrated. If bidder, its parent, and any other guarantor of services has a credit rating, the most recent ratings reports must also be provided.

Finally, bidder must provide references for any current and/or prior power supply agreements to wholesale customers.

Other Terms and Conditions

Tri-State will require that projects comply with all applicable federal, state, and local laws. All permits, licenses, fees, emissions allowances, and environmental requirements are the responsibility of the bidder. If a project is not in service as of the proposal submittal deadline, a detailed milestone schedule describing major project activities,

including a permitting schedule, leading up to the commercial operation date must be provided.

Each project bid into this RFP must identify whether the bidder has bid the same project into any other RFP. Bidders must also inform Tri-State within 5 business days if such a project bid into another RFP has entered into a contract with another utility/customer with respect to the bid.

Notice of Intent to Submit Proposal

Each potential bidder should complete and return the **Notice of Intent to Submit Proposal** form included on the RFP website to be included in the RFP process. The form must be submitted by 5:00 PM Mountain Daylight Time on May 31, 2022. Although a notice of intent is not required to submit a bid, only those entities that have provided this notice to Tri-State will be notified of any RFP clarifications or corrections that may occur.

A bidder must use best efforts to provide accurate information about its planned proposal in the completed Notice of Intent to Submit Proposal form; however, bidder will not be bound by the information provided in the completed Notice of Intent to Submit Proposal form.

There is no fee required to submit a Notice of Intent to Submit Proposal form.

Bid Fee

Bidders are required to submit a nonrefundable bid fee of \$5,000.00 for each project they submit under this RFP. The funds must be received by Tri-State on or prior to the proposal due date of July 5, 2022 and may be sent in the form of a check made out to “Tri-State Generation and Transmission Association, Inc.” or via electronic funds transfer. Detailed instructions for sending funds to Tri-State are included on the RFP website. Please provide a reference to the bidding organization/proposal on the form of payment. Failure to submit the required bid fee will result in a proposal being disqualified from further evaluation.

A bid fee is applicable to a single project location and single project technology. A bidder may propose up to three (3) different combinations of pricing, contract term, size, or commercial operation date options for a single project without having to submit an additional fee. The table below provides illustrative examples. Projects that are proposed with additional technology options (i.e., wind + solar or solar + battery storage) or different interconnection points will be considered a different project requiring an additional bid fee.

Bid Examples	Required Bid Fee
Project with five different pricing options (could offer six pricing options for the same two bid fees)	Two Bid Fees

2023 and 2024 COD dates with two pricing options for the 2023 date and one for the 2024 data	One Bid Fee
Two different project sizes, each with two pricing options (could add a third pricing option to each size for the same two bid fees)	Two Bid Fees

Proposal Content

Bidder Response Forms

Tri-State requires that all proposals submitted to this RFP contain, at a minimum, a completed set of Bidder Response Forms and requested information as applicable. The Bidder Response Forms are contained in a separate file on the RFP website and a distinct, completed set shall be submitted in Microsoft Excel format to the email below **for each project option**. Tri-State will review and may utilize information, if any, submitted by a bidder which is not specifically requested as a part of the Bidder Response Form. Tri-State may request additional information from a bidder during the proposal evaluation process.

For proposals that contain options for different project sizes and/or pricing options, bidders should submit **a separate set of Bidder Response Forms for each option proposed**.

Narrative Topics

In addition to the Bidder Response Forms, each proposal shall describe the following as they relate to any project.

Executive Summary - Summary of the overall project. Bidders should identify in this section whether the project has been bid into any other RFP.

Development and Siting Status - Bidders shall provide a thorough description of the development status of its proposed project. The information provided should include status of the following:

- Site, Zoning and Construction Permitting - Include the size of the project in acres and any zoning restrictions that would impact development or use of facility
- Environmental Assessments and Studies
- Emissions and Environmental Permitting
- Regulatory and Governmental Approvals
- Engineering and Design Activities
- Resource Acquisitions (i.e., land, equipment such as wind turbines or solar panels, inverters, fuel supply, waste disposal arrangements, etc.) Proof of equipment supply is viewed favorably
- Construction Status
- Project Schedule and Milestones - Include construction start through commercial operation date
- Project retirement / decommissioning plan

Technical Description and Resource Type Data - Bidders shall provide assurance to Tri-State that the project will be able to meet its projected production estimates for the duration of the project life.

- Wind Resources - Provide a correlation of the long-term wind speed data in the region to the collected resource data at the proposed or existing project site. Please include a general plot plan showing site location, turbine positions, IEC wind class, annual wind production average capacity factor, minimum operating temperature, proposed wind turbine power curve data, nameplate ratings, and manufacturers of proposed turbine equipment. Wind data provided should also include projections by month and hourly patterns to the extent the data is available. Forecasting information should include projections or guarantees of forecasting accuracy as a function of time of delivery. Please include any turbine blade shadowing studies for light and radio wave impacts, any avian (bird or bat) impact studies performed for the project site and confirmation that the site does not conflict with any training area requirements of the US armed services. Bidder should also include any droop response for wind generation.
- Solar Resources - Please describe the proposed solar generation equipment specifications including brand, model, nameplate ratings, size, type and capabilities, modules, inverters, and tracking equipment, and all UL and IEEE equipment compliance information. Water consumption requirements should be included. If applicable, all energy storage devices should be identified. Provide a guaranteed minimum output performance level on an annual basis and detail the design of the specific proposed solar generation system including array configuration, overall system efficiency and total energy output. Please also include a general plot plan showing site location, equipment positions, pertinent meteorological data, annual solar energy production, expected panel degradation and average capacity factor.
- Biomass or Biogas Resources - For proposals that include resources that use a combustion or digester process (such as biomass, biogas or other renewable waste product), the bidder shall provide information describing applicable gas quality, fuel types, fuel sources, fuel contracts, fuel procurement/transportation plans, fuel price risk and availability risk issues. Proposals involving combustion type resources shall also include combustion process by-product emission rates, including SOX, NOX, CO₂, methane, nitrous oxide, CFCs, HCFCs, heavy metals, halides, unburned hydrocarbons and other emissions in gaseous or liquid form, dissolved in another liquid or mixed with a solid for offsite disposal. Describe the quantity and type of all environmental permits for air and water compliance required to develop the project, and if such permits and approvals are not already in the bidder's possession, provide information regarding the plan to acquire such permits and associated approvals. Proposals should also include gas production forecasts for resources identified, including decay rate of gas production from landfill or digester processes for closed or active sources, and forecast for future sources planned.
- Geothermal Resources - Please provide a summary of all collected geothermal data for the proposed or existing site and characterize the geothermal resource

- quality, quantity and proposed production levels. Describe land lease and rights issues and describe and test drilling performed (if applicable). Provide a table or graph that illustrates the annual and monthly projection of geothermal resources.
- Hydro Resources (including pumped hydro) - Provide a description and map of the project area and any information about the project's water rights and any ongoing or anticipated disputes, legal challenges or regulations affecting those water rights. Identify if the project is run-of-river or has storage/pondage capability. Identify the volume of the storage and any hourly, daily or seasonal restrictions to the use of the storage for power production. Provide an estimate of the average firm generation expected over the life of the project. Identify anticipated generation by month during an average water year and a low water year. Provide monthly flow duration curves based upon daily stream flow records.
 - Energy Storage Systems - For co-located or stand-alone energy storage systems, please provide the type of storage facility, describe any system limitations such as the number of discharges per day, per year and over the contract term as well any limitations on the depth of discharges. Also, please discuss any expected degradation or potential of adding capacity during the contract term. Further, specifically for battery systems, please provide information on the ability to charge from the grid and about the battery chemistry selected.
 - Other Resources - Provide a description of the fuel source and identify its thermal (heat content), delivery and storage characteristics. Provide an estimate of the average generation expected from the fuel source over the life of the project. Describe the methodology and the in-house or consulting expertise used to arrive at the generation estimates.

Pricing Methodology - Please describe the pricing structure. Tables to list prices are provided in the Bidder Response Forms, however, Tri-State is interested in the methodology used by all bidders to ensure pricing includes all applicable charges. Examples of items to discuss, as applicable, are: demand charges versus energy charges. Are there start up charges, or start-up fuel costs? If there is a separate demand component, describe the methodology for calculating the kW billing demand determinant. Is pricing fixed or subject to change? Is pricing dependent upon certain subsidies or credits? Is there a separate transmission charge component?

Local Tax Revenue - Please submit data showing the project's forecast tax-revenue impact for the community where it is sited.

Transmission & Interconnection - Please indicate the transmission provider for which you have applied for interconnection and describe the timing and status of the interconnection and/or transmission application and results.

Best Value Employment Metrics – Please provide information on the following as they relate to the bid project.

- Availability, cost and duration of training programs including training through apprenticeship programs register with the United States Department of Labor Office of Apprenticeship and Training.
- Estimates of the number of man-hours worked by Colorado workers as compared to total man-hours for each job classification.
- Long-term career opportunities for each job classification
- Wages and fringe benefits (healthcare, pension and other compensation) by job classification.

Financing and Credit - Describe proposed financing arrangements including potential sources of funding, contingencies, and interest during construction.

- Is financing required to fund the transmission and/or generation facilities? If yes, have financing arrangements been made prior to submitting this proposal?
- Describe any financial instruments the bidder will use to guarantee the financial security requirements described in the indicative term sheet.
- If company is rated by S&P, Moody's and/or Fitch, please provide latest credit report from (if responding company is not rated, then please provide for parent company and/or any other guarantor).
- Please include the most recent SEC form 10K and most recent SEC Form 10Q Report
- Please include the most recent Annual Report

References - Please list client references who may be contacted and for whom services have been rendered in the last 24 months. Include names, titles, address, phone numbers and e-mail addresses.

Project Team – Please describe the company and personnel to be involved as follows:

- Please provide a bidder profile, including office location, age of company, average number of employees over the past 5 years, and any ownership interests.
- Description of the bidder's pertinent experience for all power projects, projects of similar technology, and projects located in the same state as proposed for this project. The bidder should designate if the experience is in (1) development, (2) construction, (3) ownership and/or (4) operation and maintenance of the projects.
- State whether there is any current litigation regarding any power supply matter involving the bidder and any of its subsidiaries or off-balance sheet companies in which it has an interest. If there is any current litigation, provide a discussion of the current litigation.
- Provide a bidder organization chart and identify qualifications of key staff.

Model Contracts

Model contracts are posted on the RFP website. Each bidder is required to review the applicable model contract depending on resource type and identify any modifications or objections and include this mark-up with its proposal(s). It is expected that bidders offer meaningful input, comments such as “will be discussed” is not considered meaningful.

Proposal Submittal

All proposals must be received by Tri-State by no later than 5:00 PM Mountain Daylight Time on July 5, 2022. All proposals must be sent via email and a single hard copy delivered by this deadline. Emailed proposals must be sent to the email address listed below. Hard copies may be submitted by U.S. mail, overnight or courier service, or hand delivery. A hard copy submittal must include a signed original. If there is a discrepancy between the electronic and hard copies, the hard copy will prevail. Proposals received after the deadline will not be considered unless Tri-State determines in its sole discretion that extenuating circumstances led to late delivery. Proposal submittals should be directed to Tri-State's RFP administrator as follows:

Origination Department
Tri-State Generation and Transmission Association, Inc.
1100 W. 116th Avenue
Westminster, CO 80234

E-mail: renewablerfp@tristategt.org

Proposal Checklist

To assist bidders in ensuring their proposals are complete and eligible for evaluation by Tri-State, a checklist of required and optional items is listed below:

	Item	
	Notice of Intent to Bid	May 31, 2022 by 5:00 PM MDT
	Bidder Response Forms	July 5, 2022 by 5:00 PM MDT
	Narrative Topics	July 5, 2022 by 5:00 PM MDT
	Model Contract comments	July 5, 2022 by 5:00 PM MDT
	Bid Fee	July 5, 2022 by 5:00 PM MDT
	Form of Voluntary Consent	July 5, 2022 by 5:00 PM MDT

Tentative RFP Schedule*

RFP Release Date	May 18, 2022
Notice of Intent to Submit a Proposal due	May 31, 2022
Proposals Due	July 5, 2022
Identify Short-listed Proposals	August 5, 2022
Execute Project Agreements**	Q1/Q2 2023

** Tri-State will make a concerted effort to maintain the tentative schedule but reserves the right to revise the schedule to accommodate changing circumstances.*

***Contingent on Commission Phase II decision*

Proposal Duration

All proposals must be valid through the Phase II evaluation period and short-listed and back-up bids must remain valid through the subsequent negotiation period following the issuance of a final Phase II Commission Decision.

Project Agreements

Tri-State's selection of bidders for project agreement negotiations does not create an implicit contract between Tri-State and the bidder, nor is the selection process, including negotiations, a guarantee of contract between Tri-State and the bidder as a result of this RFP.

Collusion

By submitting a proposal to Tri-State under this RFP, bidder certifies that it has not divulged, discussed or compared its proposal with other bidders and has not colluded whatsoever with any other bidder or parties with respect to this proposal.

Bid Evaluation Criteria

Bidders to this solicitation should provide all relevant financial and operational information necessary to allow Tri-State to conduct a thorough analysis of their proposals. Proposals will be analyzed over a range of scenarios defined by price and non-price variables.

An initial economic analysis will be conducted where the Levelized Cost of Energy (LCoE) for each project option is calculated using the discount rate approved by the Commission in its Phase I decision. The LCoE will be calculated by determining the "all in" Net Present Value (NPV) of the average annual costs divided by the NPV of the average annual energy.

The projects will then be reviewed with respect to non-price factors. These will include:

- Best Value Employment Metrics
- Contribution to meeting GHG reduction goals of Colorado
- Location in a Tri-State utility member system service territory
- Financial viability of the bidder, including its parent or any other guarantor of services under the bidder's proposal
- Bidder's prior experience with project development
- Certainty of outside funding sources (i.e. tax credits or government subsidies)
- Compliance with all applicable local, state and federal laws, rules and orders
- Renewal and purchase options at the end of PPA

- Project retirement / decommissioning plan
- Legal, engineering and other costs required to implement the proposed project
- Forecasting capability

Each of these factors is important to the addition of a new capacity and/or energy supply resource to Tri-State's existing resource portfolio. Tri-State reserves the right to consider any other factors that it deems to be relevant to its supply portfolio needs.

Bids will then be evaluated with respect to transmission interconnection and network upgrade costs. It is expected that any electric interconnection network upgrades, firm transmission and/or wheeling costs necessary to deliver a project's output to a system where Tri-State is a network transmission customer are included in the pricing. Potential bidders should review and clearly understand Tri-State's Transmission Provider function's interconnection process.

While, at a minimum, having initiated an LGIP application can better define a project's potential viability, it is not required for bids proposing to connect to the Tri-State transmission system. Projects that have only just submitted interconnection requests or have not begun the LGIP with Tri-State should still include estimates of these costs and assumptions in the pricing offered and provide the specific amounts in the bid forms. Tri-State's Transmission Provider function will then review estimated transmission costs based on existing interconnection studies. This evaluation is not a substitute for the LGIP and does not guarantee the viability of a project. Projects utilizing incremental transmission capacity resulting from network upgrades that have received a CPCN will not be assessed costs associated with those upgrades.

Projects connecting to other transmission systems will be required to provide network upgrade and interconnection costs developed through an LGIP application (and associated studies) or an equivalent independent study. In addition, any bidder connecting a project to a system where Tri-State does not hold network transmission rights must be able to provide a transmission service request and system impact study demonstrating the availability of firm transmission service to a system where Tri-State does hold network transmission rights and include these costs along with any wheeling, losses and other costs associated with such services in its bid pricing.

Inquiries and Other Communications

For information and inquiries relating to the RFP, an e-mail address has been established at renewablerfp@tristategt.org. This e-mail address will be the primary means of communication for all inquiries, responses to questions, updates and clarifications. Bidders may also use this e-mail address to contact Tri-State to discuss, if applicable, their interest in leasing or purchasing land owned by Tri-State.

Bidders are asked not to contact the RFP administrator or any other Tri-State employee directly.

In order to facilitate a clear and timely response to critical inquiries, all bidders are encouraged to submit questions via e-mail on or prior to June 29, 2022. Questions and responses to specific questions and general information, clarification of items, etc. will be posted on the RFP website, without bidder identification or attribution.

Confidentiality and Disclosure

Bidders may identify any information in their proposals that they consider to be confidential or proprietary. Nonetheless, Tri-State reserves the right to release all or a portion of the proposals to its affiliates and members and their agents, advisors and consultants for purposes of proposal evaluation. Tri-State will, to the extent required by law, advise each member, agent, advisor or consultant that receives such claimed confidential information of its obligations to protect such information. In addition, Tri-State reserves the right to release and disclose, without any obligation of confidentiality and at any time, (a) the general location or generation technology type of any of proposals submitted to Tri-State provided it does not identify the individual bidders and (b) aggregated bid pricing information that does not identify particular bids or bidders. Furthermore, all information, regardless of its confidential or proprietary nature, will be subject to review by the Commission and other governmental authorities and courts with jurisdiction, and may be subject to legal discovery. It is not Tri-State's intent to enter into any separate confidentiality, nondisclosure, or similar agreements as a condition to receiving a bidder's proposal.

Notwithstanding the above paragraph, a reasonable number of attorneys and a reasonable number of subject matter experts representing a party to the Tri-State's 2020 ERP proceeding may, upon the execution of the appropriate nondisclosure agreement, request and receive access to all bid information provided in response to this RFP regardless of a bidder's claim of confidentiality or propriety. In addition, upon completion of the competitive acquisition process, Tri-State is required by Commission Rule 3605(h)(IV), to post on its website and thereby make publicly available the following information from all bids: bidder name; bid price and utility cost; generation technology type; size of facility; contract duration or expected useful life of facility for utility proposals; and whether the proposed PPA includes an option for the utility to purchase the bid facility during or at the end of the contract term.

Acceptance of Proposals

Tri-State reserves the right, without qualification, to select or reject any or all proposals and to waive any formality, technicality, requirement, or irregularity in the proposals received. A bidder who submits a proposal does so without recourse against Tri-State for either rejection by Tri-State or failure to execute an agreement for purchase of capacity and/or energy for any reason. Additionally, Tri-State reserves the right to accept proposals other than the lowest cost proposal and bidders should recognize that factors other than cost, as described above, will be considered during the proposal evaluation process. Tri-State will not reimburse any bidders for any cost incurred in preparing and submitting a proposal or any subsequent contract negotiations or the bid fee. Under no

circumstances will Tri-State be contractually bound by the terms of any bidder's proposal until a fully-executed agreement has been entered into between the parties.

Tri-State Board of Directors and Regulatory Approval

The projects offered in this RFP will be evaluated as described above and ultimately be presented as portfolios of resources in an ERP Implementation Report to be filed for approval with the Commission. It is expected that the Commission will issue a decision approving, modifying or denying any of the portfolios within 90 days. Depending on the outcome of the decision, preliminary contract negotiations may be initiated but Tri-State cannot fully move forward without Commission approval. Once there is a final Commission decision in place, Tri-State can commence or finalize preliminary contract negotiations with the ability to commit to specific projects.

Any contracts that may be considered as a result of this RFP or subsequent negotiations will be subject to Tri-State Board of Directors approval and inclusion in the resource portfolio approved by the Commission as part of the Electric Resource Planning process and may be subject to other regulatory approvals.



Thank you for your interest.