

# REQUEST FOR PROPOSALS (RFP)

## **KYMEA Renewable Energy Procurement Delivery beginning June 1, 2027 (or sooner)**

**RFP # 2022-3  
September 12, 2022**

The Kentucky Municipal Energy Agency (KYMEA) seeks written proposals from qualified suppliers of electric renewable energy resources. KYMEA intends to purchase power from one or more suppliers commencing on June 1, 2027, or sooner, for a term of 10 to 25 years. Resources should: (i) be deliverable on a firm, non-interruptible basis to the LGE/KU transmission system, (ii) be delivered to KYMEA on a first call basis and not be committed for sale to third parties, and (iii) qualify for designation as network resources under the LGE/KU Open Access Transmission Tariff ("OATT") to serve the loads of KYMEA's Member municipal electric systems.

Proposers are required to submit by email their questions pertaining to this RFP no later than 2 pm EDT on October 14, 2022 and their proposals no later than 2 pm EDT on October 31, 2022, and meet other requirements specified in this RFP.

All communications regarding this RFP should be directed to Rob Leesman [reesman@kymea.org](mailto:reesman@kymea.org). Communications with KYMEA Board Members and other representatives of KYMEA and its Members may result in disqualification as more completely provided in the RFP.

## **Introduction to KYMEA and this RFP**

The Kentucky Municipal Energy Agency (KYMEA), formed pursuant to Sections 65.210 to 65.300 of the Kentucky Revised Statutes, as amended, known as the "Interlocal Cooperation Act" (the "Act"), seeks written proposals from qualified suppliers of electric renewable energy produced from renewable resources ("Proposal"). KYMEA intends to purchase power from various suppliers commencing on June 1, 2027, or sooner, for a term of 10 to 25 years. Resources should: (i) be deliverable on a firm, non-interruptible basis to the LGE/KU transmission system, (ii) be delivered to KYMEA on a first call basis and not be committed for sale to third parties, and (iii) qualify for designation as network resources under the LGE/KU Open Access Transmission Tariff ("OATT") to serve the loads of KYMEA's Member municipal electric systems.

KYMEA supplies all requirements service to the following KYMEA Members (AR Members): at the present time the Cities of Bardwell, Falmouth, Madisonville, Paris, and Providence, the Frankfort Plant Board, the Barbourville Utility Commission, and the Corbin City Utilities Commission. The annual demand and energy requirements of the KYMEA AR Members are projected to be approximately 259 MW and 1,307,961 MWhs, respectively, in 2023.

This RFP requires submittal of data that will be required to screen alternatives to determine if competitive negotiations should be undertaken with one or more Proposers.

## **Negotiation Procedure - RFP Form 1**

This RFP will be conducted under the provisions of the Kentucky Model Procurement Code, specifically Kentucky Revised Statutes 45A.370 titled Competitive Negotiation. Written or oral discussions will be conducted with the responsible Proposers whose proposals are determined in writing by KYMEA or its consultants to be reasonably susceptible of being selected for award based on qualifications and the evaluation factors provided in the RFP.

Any award granted hereunder is subject to KYMEA's successful negotiation of any remaining unresolved terms to be included in a final power purchase agreement(s) with a responsible Proposer(s) in order to achieve the best and most advantageous terms and conditions for KYMEA and its Members relating to renewable energy.

Proposer understands that KYMEA reserves the right to make an award on the basis of initial proposals without discussions, subject to the successful negotiation of a final power purchase agreement.

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Proposers are required to submit with their Proposals a completed copy of the Notice of Negotiation Procedure, RFP Form 1, in acknowledgment of their understanding and acceptance of this negotiation procedure.

**Qualification of Proposers – RFP Form 2**

KYMEA anticipates that successful Proposers will have the following characteristics. KYMEA reserves the right, but is not required, to reject Proposals from Proposers that do not possess the characteristics outlined below.

- a) Proposers that are either an investor-owned utility, exempt wholesale generator, municipal electric utility or joint action agency, electric cooperative, or wholesale power marketing firm with the authority to do business in the Commonwealth of Kentucky;
- b) Proposers that have a BBB or above credit rating by a minimum of two established credit rating agencies (Standard and Poor's, Fitch, or Moody's). Proposers whose ratings are below BBB may be considered so long as additional credit assurance acceptable to KYMEA is provided;
- c) Proposers that have performance bonding capabilities greater than \$10 million;
- d) Proposers that are able to demonstrate rights to physical electric generation units proposed for the electric power supply to KYMEA;
- e) Proposers that own or currently have contractual rights to all physical resources from which power would be supplied to KYMEA; and
- f) Proposers whose resources qualify or can qualify as a designated network resource(s) under the LGE/KU OATT.

All Proposers are required to submit to KYMEA with their Proposals a completed Qualification of Proposers form. The Qualification of Proposers form is included as RFP Form 2.

**Communications regarding this RFP and Submission of Proposals, Data, and Forms**

From the date this RFP is advertised until a notice of recommended award, notice of rejection of all Proposals or other notice is made, Proposers are required to confine all communication related to this RFP exclusively to the contact person at Kentucky Municipal Energy Agency specified below and any other representatives designated by that person. Unless authorized in advance, no contact related to the RFP will be permitted between a Proposer, its employees, representatives, or affiliates and any board member, officer, official, director, employee, representative, or other staff of KYMEA or any of the municipals that are, or are considering becoming, Members of KYMEA. Any unauthorized contact will be the basis for disqualification of the Proposer from further consideration.

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All questions regarding this RFP, technical or otherwise, should be submitted electronically by e-mail in accordance with the RFP Schedule below to:

KYMEA Power Supply RFP  
c/o Rob Leesman  
E-mail: [rleesman@KYMEA.org](mailto:rleesman@KYMEA.org)

Only responses provided in writing by KYMEA will be considered official. A verbal response by KYMEA will not be considered an official response. Responses to questions determined by KYMEA, at its sole discretion, to be applicable to the RFP process in general and all published addenda will be provided on the KYMEA website at [www.kymea.org/information/request-for-proposals/](http://www.kymea.org/information/request-for-proposals/). Questions, answers, and addenda will be communicated in electronic form.

If discussions pertaining to the revision of the specifications or quantities are held with any potential Proposer, all other potential Proposers shall be afforded an opportunity to take part in such discussions. At KYMEA's sole discretion, a Request for Proposals based on revised specifications or quantities may then be issued as promptly as possible, shall provide for an expeditious response to the revised requirements, and shall be awarded upon the basis of the best overall benefit to KYMEA determined by applying the criteria set forth in the Request for Proposals.

Each Proposer is free to determine the format of the Proposal. Proposers should provide all information requested in this RFP. Each Proposal, with Forms 1 and 2, must be submitted by email to the following address by the date shown below under the heading "RFP Schedule."

KYMEA Power Supply RFP  
c/o Rob Leesman  
Email: [rleesman@KYMEA.org](mailto:rleesman@KYMEA.org)

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**RFP Schedule**

The timetable for this RFP process is shown below. The dates and times set forth below may be changed at any time at the discretion of KYMEA. All deadlines for submittals due from Proposers are specified in Eastern Daylight Time ("EDT").

<b>Milestone</b>	<b>Due Date</b>
Release of RFP by KYMEA	9/12/2022
Proposers submit questions regarding the RFP By Email to: <a href="mailto:rleesman@KYMEA.org">rleesman@KYMEA.org</a>	By 2 pm EDT on 10/14/2022
Proposal Submission (Include, as part of the Proposal, Forms 1 and 2 and all supporting data and information) By Email to <a href="mailto:rleesman@KYMEA.org">rleesman@KYMEA.org</a>	By 2 pm EDT on 10/31/2022

After receipt of Proposals, KYMEA intends to request any clarification deemed necessary and then perform screening and other analyses. Further discussions and, if appropriate, negotiations will then be initiated with a Proposer(s) deemed reasonably susceptible of being selected for award with the goal that contract terms can be finalized and contracts executed as early as 90 days after submission of Proposals.

KYMEA will include in the power purchase agreement certain conditions precedent to its obligations to purchase and pay for any capacity and energy. Those conditions precedent will include, without limitation:

1. Completing the process of designating the Proposer's resources as network resources for the service of the loads of KYMEA's Members and making such other transmission arrangements as are necessary under terms that are acceptable to KYMEA.

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KYMEA anticipates that the purchase of power from successful Proposers will commence on June 1, 2027, or sooner.

**Acceptance and Disqualification of Proposals**

KYMEA reserves the right to accept the Proposal(s) that, in its sole judgment, best meet the needs and objectives of KYMEA and its members, to reject any and all Proposals, and to waive irregularities and formalities in any Proposal that is submitted.

Without limiting the generality of the foregoing, KYMEA may accept or reject Proposals that are incomplete or irregular, omit any item that the RFP requires, or do not include timely submittal of all required RFP information and forms.

Proposer may submit Proposals that may deviate from the specific requirements of the RFP. KYMEA at its sole discretion may accept and evaluate, or disqualify, any non-conforming Proposals received.

**Reserved Rights of KYMEA**

At any stage in the RFP process, KYMEA reserves the right, at its sole discretion, to:

- a) Accept or reject any and/or all conforming or non-conforming Proposals received in response to this RFP;
- b) Waive any individual Proposal requirement if deemed in KYMEA's best interest;
- c) Accept multiple or no Proposals;
- d) Accept quantities and terms different from those sought in the RFP upon mutual agreement of KYMEA and the Proposer;
- e) Accept or reject any Proposals received after the submittal deadlines;
- f) Accept or reject any Proposal if the Proposer fails to fully complete and timely submit all required RFP Forms;
- g) Not disclose information which KYMEA has determine may be confidential or may be subject to a non-disclosure or confidentiality agreement between KYMEA and a Proposer;
- h) Negotiate arrangements for power supply with one or more Proposers;
- i) Request clarifications from Proposers at any time;
- j) Amend this RFP at any time;
- k) Cease negotiations with any or all Proposers at any time;
- l) Set deadlines for completing negotiations of agreements; and

- m) Disqualify a Proposer during the negotiations for failing to honor the terms of the RFP or those contained in its Proposal.

### **Confidentiality of Information**

KYMEA anticipates taking reasonable steps consistent with applicable Kentucky law relating to governmental agencies and open records requests to maintain the confidentiality of proposed pricing and other commercially sensitive information provided by Proposers, including, upon request of a Proposer, entering into a non-disclosure agreement (NDA) acceptable to KYMEA. The form of an acceptable Confidentiality and Non-Disclosure Agreement is attached hereto as Exhibit A.

### **Power Supply Resources Sought by KYMEA**

The purpose of this RFP is to solicit Proposals for renewable energy resources suitable to economically serve loads of KYMEA Members and such other uses as KYMEA may deem appropriate. Resources should: (i) be deliverable on a firm, non-interruptible basis to the LGE/KU transmission system, (ii) not be committed for sale to third parties, and (iii) qualify for designation as network resources under the LGE/KU OATT to serve the loads of KYMEA's Member municipal electric systems.

### **Term**

The power supply delivery term is 10 to 25 years in duration, with power supply delivery to begin on June 1, 2027, or sooner.

KYMEA will consider other Proposer's term durations.

### **Capacity**

Proposals may be submitted for physical renewable resources such as the following resource categories.

- a) Hydroelectric;
- b) Wind;
- c) Wind plus storage;
- d) Solar; or

e) Solar plus storage

Proposers may propose a specific amount of capacity or indicate that the amount of capacity to be purchased would be within a range from 50 MW to 200 MW, with the specific amount to be determined during negotiation of the power purchase agreement.

Physical capacity resources may be individual designated units, designated stations, or Proposer's clearly identified system resources.

**Purchase Power Agreement Capacity Prices**, for proposals that include a capacity charge such as hydroelectric or battery storage, shall be submitted using one of two pricing methods. All capacity prices provided should be on a "dollars per MW-month" basis. Permissible pricing methods are as follows.

- a) Fixed Price: Fixed prices may be for the total term proposed or fixed for specified time periods (e.g., by year);
- b) Escalated Price: Proposed prices may escalate at a fixed annual percentage or by an index applied to a fixed price for the base year beginning June 1, 2027.

## **Energy**

Proposals should clearly specify the basis for determining KYMEA's entitlements to energy, renewable and environmental attributes, and ancillary services or other attributes associated with Contract Capacity.

KYMEA anticipates that its entitlements to the energy available from the Proposer's resource(s) in all hours will be proportionate to the amount of capacity purchased from the resource(s).

Energy pricing is expected to be provided on a dollars per MWh basis.

KYMEA values a flexible dispatch option where the Agency, at its option, can partially or fully curtail the energy output due to conditions such as negative LMP prices, the Agency's inability to receive and sink the energy due to a lack of enough physical member load, lack of available transmission, or other extenuating circumstances. In exchange for this optionality, KYMEA would provide seller revenue compensation in the form of a financial settlement based on measured and calculated expected wind or solar output for the curtailed megawatt-hours.



### **Delivery of Resources**

KYMEA is soliciting Proposals for physically firm resources that can be delivered to the LGE/KU transmission system on a firm, non-interruptible basis and are capable of qualifying as designated network resources under the LGE/KU OATT. It is KYMEA's preference that Proposers designate points of delivery within the LGE/KU system or at the interfaces between the LGE/KU transmission system and neighboring transmission systems. However, KYMEA is willing to consider resources that would be delivered to points of delivery on a neighboring transmission system.

Proposers should clearly identify the delivery point for each resource proposed. For resources delivered to points on a neighboring transmission system, the Proposer should identify the RTO region, node, and physical location of the delivery point proposed. Qualifying Proposals for resources delivered to points on a neighboring transmission system will be evaluated considering allowances for the additional costs of transmission service charges, transmission upgrades, congestion and losses on the neighboring transmission system, as appropriate.

### **Energy Scheduling and Dispatch**

For dispatchable resources such as hydroelectric and battery storage, Proposer shall specify scheduling options available to KYMEA. Scheduling options shall be specified as either day ahead, day ahead with intra-day hourly adjustments to schedule, or other scheduling options that may provide additional scheduling flexibility to KYMEA. KYMEA assumes it will have unlimited remarketing capabilities for capacity and energy purchased from the Proposer.

Proposer shall specify any limitation on KYMEA's use of capacity and energy for re-marketing.

### **Battery Energy Storage System (BESS) Specifications**

Proposals interconnected to the LGE/KU transmission system may contain storage which may be charged by the renewable resource or directly from KYMEA's portfolio, at a KYMEA member's 69 kV substation, subject to the limitations set forth in the PPA.

KYMEA is seeking BESS with the greatest capacity at the least-cost with evaluation based on the ability of the BESS to meet KYMEA system peaks and for energy shifting purposes. Ideally, the BESS shall maintain the ability to deliver contract capacity for 4 consecutive hours over the term of the agreement. The BESS shall be required to provide 365 equivalent cycles annually. Usage will be limited to 1 equivalent cycle per day, with the exception of up to 50 days annually where the BESS will provide up to 2 equivalent cycles. An equivalent cycle is equal to the battery contract capacity in MW multiplied by 4 hours as discharged energy measured at the Delivery Point. For example, a 10 MW, 4-hour battery with 365 equivalent

cycles annually shall have a maximum annual energy of 14,600 MWh discharged to the Delivery Point.

KYMEA will consider other Proposer's equivalent cycle alternatives.

### **Availability**

Proposer will be required to maintain an agreed upon level of availability and maximum capacity through-out the term of the agreement.

### **Proposal Commitment**

Proposer must hold its Proposal provisions firm for a minimum of 120 days after the date the Proposal is submitted to KYMEA.

### **Evaluation of Proposals**

The evaluation of Proposals submitted in response to this RFP will consider the impact of a Proposal on the KYMEA Members' total net cost of power on a present value basis and over the potential term of the transaction.

Projections of a Proposal's impact on the Members' net costs of power may include, but not be limited to, consideration of the proposed price for capacity and energy, costs of energy during periods when the proposed resource is not fully available, transmission related costs (including congestion and losses on other systems), environmental costs, and fuel costs. KYMEA's consideration of a Proposal also may qualitatively and/or quantitatively consider: (i) risks that actual costs may be higher than projected; (ii) uncertainties that may impact the ability of the respondent to perform as proposed; (iii) flexibility and optionality that may be provided to KYMEA; and (iv) the potential volatility relative to other options in the projected costs of the Proposal. The information provided in the Proposal regarding capacity offered, capacity and energy pricing, scheduling, constraints, type(s) of fuel, expected availability, availability guarantees, and delivery point(s) proposed will be used in the development of the above described analysis. KYMEA also will make assumptions regarding, and use forecasts of, fuel, market prices for capacity and energy, and environmental compliance requirements in performing the evaluation.

Consistent with the above, the factors to be considered in the evaluation, in declining order of relative importance, are the following:

1. Projected net cost of power over the potential term of the transaction using the criteria and methodology stated above;

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2. Scheduling flexibility and other optionality afforded to KYMEA under the Proposal;
3. Uncertainties concerning performance and availability;
4. Uncertainties concerning transmission arrangements required for delivery as a designated network resource on the LGE/KU system;
5. Uncertainties concerning commencement of the transaction by June 1, 2027;
6. Creditworthiness; and
7. Location of the Proposer's resources.

KYMEA reserves the unilateral right to make all decisions and judgments as to the assessment of all Proposals, the appropriate assumptions to be used in the analyses, and the weight to be given to each factor.

This RFP will be conducted under the provisions of the Kentucky Model Procurement Code, specifically Kentucky Revised Statutes 45A.370 titled Competitive Negotiation. Written or oral discussions will be conducted with the responsible Proposers whose proposals are determined in writing by KYMEA or its consultants to be reasonably susceptible of being selected for award based on qualifications and the evaluation factors provided in the RFP.

Any award granted hereunder is subject to KYMEA's successful negotiation of any remaining unresolved terms to be included in a final power purchase agreement(s) with a responsible Proposer(s) in order to achieve the best and most advantageous terms and conditions for KYMEA and its Members relating to intermediate capacity and energy.

Proposer understands that KYMEA reserves the right to make an award on the basis of initial proposals without discussions, subject to the successful negotiation of a final power purchase agreement.

**Non-conforming Proposals**

Proposers are not precluded from submitting Proposals for alternatives outside of the specific requirements of this RFP for KYMEA's potential consideration.

KYMEA reserves the right, but has no obligation, to evaluate and qualify any such non-conforming Proposals as it may determine, in its sole discretion, to be in its interest to

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consider. Any Proposals not meeting the requirements of this RFP are subject to disqualification.

**Other Considerations and Requirements**

Consistent with KRS 45A.494, Kentucky resident preference will be a consideration in the evaluation of qualified Proposals.

A duly authorized representative of the Proposer must sign all Proposal documents.

**Basis of Award**

If an award is made, it shall be made to the responsible Proposer or Proposers whose proposal is determined in writing to be the most advantageous to KYMEA based upon the evaluation factors set forth in the RFP and the reciprocal preference for resident bidders required by KRS 45A.494, provided, however, any award made hereunder by KYMEA shall be subject to KYMEA's successful negotiation of a final power purchase agreement(s) in order to achieve terms and conditions which are determined by KYMEA, in its sole discretion, to be most advantageous to KYMEA and its Members based upon the evaluation factors set forth in the RFP.

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**RFP Form 1: NOTICE OF NEGOTIATION PROCEDURE**

The undersigned Proposer, having read and examined the specifications and documents for the designated goods and/or services requested under this RFP, hereby acknowledges that this RFP will be conducted under the provisions of the Kentucky Model Procurement Code, specifically Kentucky Revised Statutes 45A.370 titled Competitive Negotiation.

Written or oral discussions will be conducted with the responsible Proposers whose proposals are determined in writing by KYMEA or its consultants to be reasonably susceptible of being selected for award based on qualifications and the evaluation factors provided in the RFP.

Any award granted hereunder is subject to KYMEA's successful negotiation of any remaining unresolved terms to be included in a final power purchase agreement(s) with a responsible Proposer(s) in order to achieve the best and most advantageous terms and conditions for KYMEA and its Members relating to intermediate capacity and energy.

Proposer understands that KYMEA reserves the right to make an award on the basis of initial proposals without discussions, subject to the successful negotiation of a final power purchase agreement.

The undersigned acknowledges and understands that if all Proposers are rejected, KYMEA has the option of seeking Proposals through a subsequent RFP process.

From the date this RFP is advertised until a notice of recommended award, notice of rejection of all Proposals or other notice is made, Proposers are required to confine all communication related to this RFP exclusively to the contact person at Kentucky Municipal Energy Agency specified below and any other representatives designated by that person. Unless authorized in advance, no contact related to the RFP, will be permitted between a Proposer, its employees, representatives, or affiliates and any board member, officer, official, director, employee, representative or other staff of KYMEA or any of the municipals that are, or are considering becoming, Members of KYMEA. Any unauthorized contact will be the basis for disqualification of the Proposer from further consideration.

All Proposals are subject to all other specifications and requirements provided for in this RFP.

Name of Company \_\_\_\_\_

Authorized Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

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**RFP Form 2: QUALIFICATION OF PROPOSERS**

**Company Name:**

\_\_\_\_\_

**Company Contact Information**

- Name
- Title
- Address 1
- Address 1
- City, State, Zip
- Email:
- Phone number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
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\_\_\_\_\_

**Classification of Company:**

- Investor Owned Utility
- Municipal Utility
- Electric Cooperative
- Wholesale Power Marketer

Check if Yes \_\_\_\_\_  
Check if Yes \_\_\_\_\_  
Check if Yes \_\_\_\_\_  
Check if Yes \_\_\_\_\_

**Licensed in Kentucky:**

Yes \_\_\_\_\_ No: \_\_\_\_\_

**Number of Years in Business:**

\_\_\_\_\_

**Current Credit Rating:**

\_\_\_\_\_ Standard and Poor's  
\_\_\_\_\_ Moody's  
\_\_\_\_\_ Fitch  
\_\_\_\_\_ Million

**Bonding Capability**

Proposer owns or currently has contractual rights to all physical resources from which power would be supplied to KYMEA

Yes \_\_\_\_\_ No: \_\_\_\_\_

Each proposed resource that will require transmission service **can qualify** for designation as a network resource for the service of the loads of KYMEA's member municipal electric systems

Yes \_\_\_\_\_ No: \_\_\_\_\_

Each proposed resource currently qualifies as a network resource for the service of a load serving entity directly connected to the LGE/KU transmission system.

Yes \_\_\_\_\_ No: \_\_\_\_\_  
If Yes, specify load serving entity:

\_\_\_\_\_

**Authorized Signature of Proposer:**

**Printed Name**

**Date**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**INSTRUCTIONS FOR PROPOSALS**

Please provide a Proposal that addresses each of the topics described in the RFP. Proposers are requested, but not required, to present their proposals in the format outlined below to the extent applicable.

KYMEA requests that each Proposal include at least the level of detail normally included in a Term Sheet.

Item	Provision
1. Seller	
2. Buyer	KYMEA
3. Product Description (Attributes)	
4. Term of Agreement	
5. Capacity Amount by Year	
6. Installed Capacity Amount by Year	
7. Flexibility of KYMEA to Adjust Capacity Amount during Negotiations or during the term of the transaction	
8. Capacity Price a. Price by Component b. Escalation c. Not to Exceed	
9. Energy Price	
10. PPA Delivery Point	
11. Project Interconnection Point	
12. Arrangements for transmitting power from the point of interconnection to the delivery point.	



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Item	Provision
<b>13. Scheduling</b> a. Day Ahead b. Intra-Day	
<b>14. Ancillary Services</b>	
<b>15. Availability</b>	
<b>16. Pricing, Notice and Other Provisions pertaining to any proposed option for KYMEA to extend the term of the transaction beyond the initial term</b>	
<b>17. Pricing, Notice, Grant Applicability, and Other Provisions pertaining to any proposed option or requirement for KYMEA to assume ownership of all or a portion of the project</b>	
<b>18. Other considerations</b>	