



Black Hills Colorado Electric, LLC 2023 Request for Proposals

**Energy and Renewable Energy Credits (RECs)
from Qualified Community Solar Gardens**

Issued: November 15, 2023

Response Deadline: December 15, 2023



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Proposal Submission Date: December 15, 2023

Black Hills Colorado Electric, LLC d/b/a Black Hills Energy (“Black Hills” or the “Company”) is issuing this Request for Proposals (“RFP”) which seeks bids for the sale of energy and associated renewable energy credits (“RECs”) to the Company from qualified Community Solar Gardens (“CSGs”) in conformance with the Company’s 2023 – 2026 Renewable Energy Standard Compliance Plan (“RES Compliance Plan”) as authorized by the Public Utilities Commission of the State of Colorado (the “Commission”). The CSGs are to be located in Black Hills’s electric service territory in Colorado. The terms, “renewable energy credit,” or “REC” are defined in Commission Rule 3652, and “community solar garden,” or “CSG,” are defined in Commission Rule 3877. This RFP is subject to Colorado statute governing CSGs (C.R.S. §40-2-127) (“CSG Statute”), as well the Commission’s rules governing CSGs (including Commission Rules 3875-3883 insofar as they apply to CSGs) (“Commission CSG Rules”). For the avoidance of doubt, the Commission CSG Rules as they exist as of the date of this RFP, and as further described in the RES Compliance Plan, will govern this RFP and the CSG Producer Agreement, a form of which is attached hereto as RFP Attachment B1 (“CSG Producer Agreement”) regardless of any changes, amendments, restatements, modifications, additions, or deletions of such rules following such date. For the avoidance of doubt, the Commission CSG Rules as they exist as of the date of this RFP, and as further described in the RES Compliance Plan, will govern this RFP and the CSG Producer Agreement, a form of which is attached hereto as RFP Attachment B1 (“CSG Producer Agreement”), regardless of any changes, amendments, restatements, modifications, additions, or deletions of such rules following such date. In accordance with the RES Compliance Plan, the Company is seeking up to 2 MW AC from this solicitation. However, the Company reserves the right to reject all bids under this solicitation and reissue a new solicitation at its discretion.

Eligible respondents to this RFP (“Respondents”) must be the CSG Subscriber Organization of the proposed CSG, as those terms are defined in Commission Rule 3877. Respondents are requested to provide bids pursuant to the instructions provided herein. This RFP is limited to bids for energy and RECs that are generated from CSGs with a gross nameplate capacity no greater than 2 MW alternating current (AC).

This RFP contains several sections, including an Introduction, Proposal Logistics, Bid Submittal, and Evaluation Process and Assumptions. Attachment A to this RFP contains the bid forms, together with instructions for each form. Attachment B to this RFP contains the CSG Producer Agreement and other documents that will be required of a Respondent with an accepted bid.

Please provide all the information requested in order to enable the Company to properly evaluate your approach and viability as a Respondent for the sale of energy and RECs from a CSG. All information provided, and the extent of completeness, will be used to evaluate the bid. Feel free to provide additional information not requested here that you feel would help in our evaluation.

The Bids, RFP and all files, designs, specifications and other appended or related data are the property of the Company and are delivered only for the purpose of enabling each potential Respondent to prepare and submit a proposal in response hereto. In the event that Bid documents are considered confidential to the Respondent, the Company reserves the right to retain Bids and associated documents in accordance with Company records retention policies but will deploy standard data-management practices for secure and confidential information.

The Company will, in its sole discretion and without limitation, evaluate proposals and proceed in the manner the Company deems appropriate, which may include deviation from the Company's expected evaluation process (in accordance with Commission decisions, rules, and regulations), the waiver of any requirements and the request for additional information.

Respondents that submit proposals agree to do so without legal recourse against the Company, its affiliates, or their respective employees, directors, officers, customers, agents or consultants for rejection of their proposals or for failure to execute an agreement for any reason. The Company and its affiliates shall not be liable to any Respondent or other party in law or equity for any reason whatsoever for any acts or omissions arising out of or in connection with this RFP. By submitting its proposal, each respondent waives any right to challenge any valuation by the Company of its proposal or any determination of the Company to select or reject its proposal. Each Respondent, in submitting its proposal, irrevocably agrees and acknowledges that it is making its proposal subject to and in agreement with the terms of this RFP.

CSG RFP

Section 1. Introduction

Black Hills is issuing this RFP seeking bids to construct new CSG systems in Colorado that meet the following requirements for each CSG:

- Uses a proven and UL approved solar electric generation technology to generate electricity and meets applicable interconnection guidelines.
- The system qualifies as a CSG and meets the requirements of the CSG Statute, tariffs (including Black Hills's Community Solar Garden Service tariff, found in its Colorado P.U.C. No. 9 Tariff ("Black Hills CSG Tariff")) and Commission rules (including the Commission CSG Rules). These requirements include, but are not limited to a requirement the CSG have a minimum of 10 subscribers, with CSG subscribers meeting the following requirements:
 - For each CSG Subscriber, there must be a completed and fully-executed Subscriber Agency Agreement;
 - A "Consent to Disclose Utility Data" form must be submitted for each CSG Subscriber. Access to the form and instructions for use are located on the Black Hills website at: <http://www.blackhillsenergy.com/rates>;
 - The system will be located on property wholly within Black Hills's electric service territory.
 - The system must be operational within 24 months after execution of the CSG Producer Agreement.
 - No CSG Subscriber Organization may own more than a 40 percent interest in the electricity and RECs associated with or attributable to the CSG after the CSG has operated commercially for 18 months.

- If the CSG Owner is different from the CSG Subscriber Organization, CSG Subscriber Organization must have full authority to act as an authorized agent for the CSG Owner as required by Black Hills, including as required by the CSG Producer Agreement. Evidence of such authority will be required.
- The system has a gross nameplate capacity no greater than 2 MW AC.
- The system produces electricity primarily for its CSG Subscribers. Black Hills will take delivery of the energy and distribute it to those CSG Subscribers.
- The Respondent must sell all unsubscribed energy plus the associated RECs to Black Hills at the prevailing average hourly incremental cost of electricity supply over the immediately preceding calendar 2023.
- The Respondent must sell all subscribed power and either transfers the associated RECs to Black Hills or elect for subscribers to retain the RECs (in which case, Black Hills will retire such RECs on the subscribers' behalf), at the price terms stated in the CSG Producer Agreement. Black Hills will pay for subscribed energy by issuing bill credits to the CSG Subscribers per the Black Hills CSG Tariff and the CSG Producer Agreement.
- The Respondent must agree to all of the terms and conditions of the CSG Producer Agreement and all other documents contained in RFP Attachment B.

Black Hills invites bids from Respondents who are capable of meeting the requirements of the RFP.

This introductory section describes the type, amount and timing of solar resources sought in this CSG RFP. Section 2 covers logistics such as where and when bids must be submitted, bid evaluation fees, and policies and procedures. Section 3 describes the bid submittal process. Section 4 addresses the evaluation process and assumptions.

1.1 Resource Acquisition Objectives

Colorado Revised Statutes (“C.R.S.”) Section 40-2-124, sets forth the Colorado Renewable Energy Standard (“RES”), and establishes the amount of energy to be generated from eligible energy resources that Black Hills is required to obtain. The CSG Statute provides in part that Black Hills is to meet a portion of its RES obligations through the acquisition of energy from CSGs. In calendar year 2023, Black Hills is authorized to acquire up to 2 MW AC from community solar gardens through a competitive bid process. In accordance with the RES Compliance Plan, the Company is authorized to acquire up to 2 MW AC from this solicitation. All projects shall have a minimum aggregate commitment of 50% of CSG capacity that corresponds to: (i) eligible low-income CSG subscriber and eligible low-income CSG service providers, (ii) small commercial, (iii) residential not including eligible low-income CSG subscribers, and (iv) agricultural. Subscribed energy that falls short of these requirements or additional commitments, in aggregate, will be treated as unsubscribed energy (except that if the Respondent has elected for subscribers to keep RECs, those subscribers may still retain RECs for subscribed energy that falls short of any subscriber mix commitment and Respondent will be charged Black Hill’s then-current REC price). However, the Company reserves the right to reject any or all bids under this solicitation and reissue a new solicitation at its discretion.

1.2 Eligible Technologies

All solar electric generating systems wholly within Black Hills certificated territory in Colorado that qualify as community solar gardens under Colorado law and Commission Rules are eligible to bid into this RFP. The determination of whether any technology meets these criteria is at the sole discretion of Black Hills.

1.3 Interconnection

Successful Respondent(s) will be required to enter into an Interconnection Agreement with Black Hills for each accepted CSG prior to energy production from the CSG. The CSG installation under this RFP must be connected to Black Hills's electric distribution system. The point of delivery for the energy and RECs in response to this RFP will be the interconnection point of the CSG installation.

As further detailed in this RFP, Respondents are required to provide information which, along with the required Line Diagram and Site Plan, enables the Company to preliminarily assess interconnection and to provide a non-binding interconnection cost estimate to the Respondent prior to bid selection by the Company. The Company will provide these cost estimates to the Respondents so that they can update their bid pricing. Respondents must submit final bid pricing back to the Company within 10 business days from the date the interconnection cost estimates are provided to such Respondents. If a Respondent does not provide updated pricing within this timeframe, the Respondent's originally submitted pricing will be considered final and binding on Respondent.

Successful Respondent(s) will be responsible for timely providing documentation necessary to obtain interconnection of their CSG installation at each facility. Respondents are responsible for paying Black Hills the full amount of any interconnection costs. Previous costs incurred or estimated costs for interconnection of CSGs are in no way representative of the size or amounts of future interconnection or substation upgrade costs that may be incurred by the Respondent for the interconnection of its proposed CSG. In addition, the Respondent must maintain adequate processes and communications so as to enable successful interconnection under standard Black Hills operating procedures without impacting CSG required timelines. No queue positions shall be set prior to a "Deemed Complete" (Rule 3853(d)(V)) date for the interconnection application associated with a CSG award.

Respondent will be solely responsible for complying with any and all applicable laws, regulations, tariffs, rules, decisions, and guidance (including Black Hills' policies and procedures) with respect to interconnection of the proposed system.

1.4 Pricing

Pricing for all photovoltaic energy, including any RECs (if offered in the bid), generated by the system, or aggregate of systems, is required to be \$/MWh units for any bid. All bids offered in \$/MWh will be rounded at least to the second decimal place for bid evaluation purposes and pricing shall be a constant price for each year of the term specified in the CSG Producer Agreement. The price Respondent bids is the bundled REC and subscribed energy price if Respondent offers to sell RECSs associated with subscribed energy to Black Hills, and it is the unbundled subscribed energy-only price if Respondent elects for subscribers to retain the RECs associated with subscribed energy. The pricing forms and instructions are in RFP Attachment A of this RFP. The pricing forms and instructions are in Attachment A to this RFP.

1.5 Environmental and Renewable Energy Credits

The RECs associated with subscribed and unsubscribed energy (constituting all of the RECs associated with the solar energy production) must be transferred to Black Hills, unless Respondent elects in its bid for subscribers to keep the RECs for subscribed energy. For RECs associated with unsubscribed energy and for bids electing to sell all RECs associated with subscribed energy, the conveyance of RECs to Black Hills includes the transfer to Black Hills of all environmental attributes, emission reduction credits or offsets, and renewable energy credits, as defined by Black Hills. For bids electing for subscribers to retain all RECs associated with subscribed energy, Black Hills will retire such RECs in each subscriber's name, in accordance with the monthly subscription information provided by Respondent.

1.6 Other Special Conditions

- Black Hills will own and read the kWh net or production meter. The Respondents will reimburse Black Hills for the cost of the meter and any remote communications equipment.
- The Black Hills retail customer who is a CSG Subscriber will continue to purchase the energy used at their premises from Black Hills at the standard tariff rate. The retail customer will be credited on their bill a calculated dollar amount based on their portion of the energy generated at their proposed CSG project at the rate specified in the Black Hills CSG Tariff. The customer's bill credit changes annually and the current year fixed CSG bill credit rates are stated in the Black Hills CSG Tariff.
- Respondents have a separate agreement with the Black Hills retail customer/CSG Subscriber relating to the CSG Subscription. Respondents set their own price for solar energy benefits sold to the retail customer/CSG Subscriber from the CSG. Black Hills has no involvement in the arrangement between Respondents and the CSG Subscribers.
- Respondents must keep their subscriber list information current on a monthly basis. The subscriber list information must be updated and provided to Black Hills before the last 5 business days of the current month. Such information must state the percentage share owned by the CSG subscriber, the effective date of the ownership of that percentage share, and the meters at the premises to which the CSG subscription is attributed for the purpose of applying billing credits. The subscriber information must also denote for each subscriber which one of the following categories such subscriber falls within: (i) eligible low-income CSG subscriber and eligible low-income CSG service providers, (ii) small commercial, (iii) residential not including eligible low-income CSG subscribers, (iv) agricultural, or (v) none. If any subscriber list information does not comply with any of the foregoing for one or more subscribers, Black Hills reserves the right to treat the subscribed energy for such subscriber(s) as unsubscribed. Other requirements are set forth in the CSG Producer Agreement.
- Respondents must sell unsubscribed energy and RECs to Black Hills at Black Hills' average hourly incremental cost of electricity supply over the most recent calendar year.

1.7 Meteorological and System Operation Data

A net or production meter to measure all energy output from the CSG will be installed by Black Hills at the Respondent's sole cost. The CSG site shall be designed and constructed such that Black Hills will have direct access to the meter during normal business hours. The Respondent will be responsible for providing an active, wired telephone or data line and related equipment

necessary to provide Black Hills real-time access to 15-minute interval data stored at the meter regarding the renewable energy produced by the CSG. In the event that the Respondent also collects meteorological data at the CSG site, such meteorological data shall also be made available to Black Hills on a real-time basis.

Section 2. Proposal Logistics

2.1 Schedule

As shown on the following schedule, Black Hills will issue the RFP on November 15, 2023. Bids are due by 5 PM, Mountain Standard Time, on December 15, 2023. Black Hills will aim to announce the bid winners no later than December 29, 2023. Black Hills will hold an informational meeting for interested Respondents within 2 weeks of the issuance of the RFP.

Activity	Date
Issue Date	November 15, 2023
Bids Due	December 15, 2023
Informational Meeting	November 27, 2023
Acceptance Notification(s)	No later than December 29, 2023
Completion Due Date	24 months from execution of the CSG Producer Agreement

2.2 Proposal Submission

Bids will be accepted until 5:00 P.M. Mountain Standard Time on December 15, 2023. All bids must be submitted exclusively through the designated online application portal.

RFP Website: <https://www.blackhillsenergy.com/services/colorado-solar-program/community-solar-garden>

Bids received later than the due date and time indicated will be rejected, unless Black Hills determines, in its sole discretion, that extenuating circumstances led to late submission. Email submissions will not be accepted.

2.3 Information Policy

Any verbal communication with any employee of the Company, or any of its members, affiliates, or their respective employees, shareholders, officers, directors, customers, agents, attorneys and advisors concerning this RFP is not binding and shall in no way alter any term or condition of the RFP.

To obtain additional information about this RFP, Respondents may submit only written requests. These requests should be sent to the Black Hills CSG RFP Project Manager. Questions or requests may be transmitted via email or U.S. mail, but email is preferred.

Contact information is in Section 2.2 above. Black Hills will maintain a log of all inquiries and coordinate the preparation of a written response. Once a response is prepared, Black Hills will post the information on the RFP Website: <https://www.blackhillsenergy.com/solar/csg>. Black Hills has established this information policy to ensure that all Respondents have the same knowledge about the bidding process.

2.4 Bid Evaluation Fees

Respondents must include a non-refundable bid evaluation fee of \$1,000.00 with each bid proposal for each site. If any Respondent provides more than one bid price per year, more than one forecast of energy/REC production, or more than one interconnection location an additional bid evaluation fee must be provided as each variant will be considered a unique bid. Fees may be paid by either check or wire transfer. If paid by check, the cancelled check must be included with the bid submittal. If paid by wire transfer, the wire transfer receipt must be included with the bid submittal. In addition, the Respondent's name must be included on the check or on the wire transfer receipt (as applicable). Failure to provide sufficient bid evaluations fees will result in the rejection of the bid and forfeiture by the Respondent of the bid evaluation fee provided.

In addition to the other requirements set forth in this RFP, each bid proposal shall consist of the following:

- one proposed installation address;
- one photovoltaic energy and REC delivery amount for each year;
- one prescribed term length of twenty years; and
- one set of prices (a price for each year of contract term).

Bids that include more than one of any of the above elements constitute multiple bids and, as such, will require an additional non-refundable bid evaluation fee.

2.5 Bid Forms

All bids must include a complete set of forms for each bid. Using the forms will ensure consistency in bid submission, interpretation and evaluation by Black Hills. If a Respondent is submitting more than one proposal, a separate set of forms must be submitted for each bid. The forms, together with instructions for each form, are provided in RFP Attachment A to this RFP. The forms, together with instructions for each form, are provided in Attachment A to this RFP. Each bid alternative will require a separate set of forms and a separate non-refundable bid evaluation fee.

2.6 Clarification of Bids

While evaluating bids, Black Hills may request additional information about any item in the bid. Such requests will be made in writing, usually via e-mail. The Respondent is required to provide a written response to the Black Hills CSG RFP Project Manager within five (5) business days, or Black Hills may deem the Respondent to be non-responsive and stop evaluating the bid. To facilitate meeting the five (5) business day response timeframe, Black Hills encourages Respondents to provide one or more alternate points of contact for these questions, with e-mail being the preferred method of communication.

2.7 Respondent Costs

Each Respondent shall be liable for all of its costs incurred to prepare, submit, respond or negotiate its proposal and any resulting agreement and for any other activity related thereto, and the Company shall not be responsible for any of the Respondent's costs.

2.8 Conditions of RFP

The Company will, in its sole discretion and without limitation, evaluate proposals and proceed in the manner the Company deems appropriate, which may include deviation from the Company's expected evaluation process, the waiver of any requirements and the request for additional information. 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 or otherwise and to accept proposals other than the lowest cost proposal. The Company also may decline to enter into any agreement with any Respondent, terminate negotiations with any Respondent or abandon the RFP process in its entirety at any time, for any reason and without notice thereof. The Company further reserves the right, at its sole and exclusive discretion, to waive irregularities and informalities in any proposal that is submitted.

This RFP does not commit Black Hills to pay any costs incurred in the preparation of a bid in response to this RFP or to procure or contract for any services offered in response to this RFP. Black Hills reserves the right to modify or withdraw this RFP, to negotiate with all qualified Respondents to resolve technical or contractual specifications, and/or to reject any or all bids and to terminate consideration of a bid or bids at any time. Black Hills reserves the right to evaluate bids and proceed in the manner it deems appropriate, which, in accordance with applicable Commission Rules, may include deviation from the expected evaluation process. Black Hills and its affiliates shall not be liable to any Respondent or other party in law or equity for any reason whatsoever for any acts or omissions arising out of or in connection with this RFP. By submitting its bid, each Respondent waives any right to challenge any valuation by the Company of its bid or any determination of the Company to select or reject its bid.

Each Respondent, in submitting its bid, irrevocably agrees and acknowledges that it is making its bid subject to and in agreement with the terms of this RFP, and that it has not and will not engage in any anti-competitive conduct related to its bid, including, without limitation, improperly using any confidential information of any other person, collusion with any other bidder, attempting to influence the outcome of this RFP in any manner that does not comport with Commission Rules and the terms of this RFP, or submitting a bid that it does not intend in good faith to honor in accordance with Commission Rules and the terms of this RFP and the CSG Producer Agreement. Each Respondent shall be liable for all of its costs incurred to prepare, submit, respond or negotiate its bid and any resulting agreement and for any other activity related thereto, and Black Hills shall not be responsible for any of the Respondent's costs.

Prior to bid acceptance, Black Hills reserves the right to:

- Request from Respondents information that is not explicitly detailed in this document;
- Reject any or all proposals;
- Reject any proposals that, at Black Hills's sole discretion, are not complete or contain irregularities, or waive irregularities in any bid that is submitted;
- Reject bids for reasons other than price or energy production;
- Reject any or all proposals due to a presumption of collusion between Respondents or any anti-competitive conduct;
- Accept other than the lowest cost proposal(s);
- Obtain clarification from Respondents concerning proposals; and
- Conduct discussions with selected Respondents concerning the development of the proposed CSG.

2.9 Confidentiality

All proposals submitted to the Company pursuant to the RFP shall become the exclusive property of the Company and may be used for any reasonable purpose by the Company. The Company shall consider materials provided by Respondents in response to this RFP to be confidential only if such materials are clearly designated as “Confidential.” Each page of the RFP Proposal should be clearly identified as to whether it contains confidential or proprietary information. Black Hills reserves the right to release any bids to agents or consultants for purposes of bid evaluation. Black Hills’s disclosure standards and policies will contractually bind such agents or consultants.

Respondents should be aware that their proposal, even if marked “Confidential,” may be subject to discovery and disclosure in regulatory or judicial proceedings that may or may not be initiated by the Company. Under such regulatory and legal circumstances, Black Hills will make reasonable efforts to preserve Respondents’ confidential information, including requesting that it be filed under seal. Black Hills reserves the right to publicly disclose summary information regarding the bid information in a form and manner that does not reveal the identity of any particular Respondent. Without limiting the foregoing, each Respondent acknowledges and agrees that Black Hills may make an informational filing with the CPUC following the bid deadline, as necessary or appropriate, which may include average bid price, number and capacity of bids received and number of bidders, and that Black Hills may review anonymized bids as well as evaluation criteria with CPUC staff prior to finalizing bids, in each case without liability to any Respondent. Black Hills reserves the right to retain any and all bid documentation as required under the Company’s record retention policy.

2.10 Withdrawal of or Addenda to RFP

Black Hills reserves the right to modify or supplement or withdraw this RFP by issuing one or more addenda at any time during this solicitation. Such addenda shall become a part of this RFP and any additional responses required of Respondents by any such addenda shall become part of each bid.

2.11 Disclaimer

The information contained in this RFP has been prepared solely to assist Respondents in deciding whether or not to submit a proposal. Black Hills does not represent this information to be comprehensive or to contain all of the information that a Respondent may need to consider in order to submit a proposal. Black Hills, its affiliates and their respective employees, shareholders, officers, directors, customers, agents, attorneys and advisors do not make any current or future representation, promise or warranty, express or implied, as to the accuracy, reliability or completeness of the information contained herein, or in any document or information made available to a Respondent, whether or not the aforementioned parties knew or should have known of any errors or omissions, or were responsive for their inclusion in, or omission from, this RFP. No part of this RFP and no part of any subsequent correspondence by the Company, its affiliates, or their respective employees, shareholders, officers, directors, customers, agents, attorneys and advisors shall be taken as providing legal, financial or other advice or as establishing a contract or contractual obligation. Contractual obligations on the part of the Company will arise only if and when definitive agreements have been approved and executed by the appropriate parties having the authority to approve and enter into such agreements. The Company reserves the right to request from a Respondent information that is not explicitly detailed in this document, obtain clarification from Respondents concerning proposals, conduct contract development discussions with selected Respondents, conduct discussions with members of the proposal evaluation team and other support resources as described in this RFP.

Section 3. Bid Submittal

3.1 Minimum Bid Eligibility Requirements

This section lists the minimum requirements that all bids must meet to be eligible to participate in this solicitation. Bids that do not comply with these requirements will be deemed ineligible and will not be considered for further evaluation.

- Bids must include all content requirements described in Section 3.2, including clear and complete written descriptions of all information requested, any required additional documents, and completed forms.
- Bids must clearly specify all pricing terms, including but not limited to the requirements of Section 1.4.
- Bids must demonstrate an acceptable level of development and technology risk, as determined by the Company's evaluation team.
- Respondents must provide the non-refundable \$1,000.00 bid evaluation fee for each proposal submitted for each site (as further described in Section 2.4).
- Bids must be for 20-year terms only, in accordance with Section 2.4.
- Subscriber Requirements – All projects shall have a minimum aggregate commitment of 50% of CSG capacity that corresponds to: (i) eligible low-income CSG subscriber and eligible low-income CSG service providers, (ii) small commercial, (iii) residential not including eligible low-income CSG subscribers, and (iv) agricultural. Bids must provide a subscriber acquisition plan that details how the minimum commitment will be met and maintained throughout the duration of the project. If, during the term, the project fails to meet such minimum subscriber commitments, the shortfall in such commitments in aggregate will be treated as unsubscribed energy.
- Interconnection Site Moves are Restricted – Project bid characteristics will remain as originally bid. Bids will be limited to a single site/parcel and point of interconnection.

3.2 Bid Content Requirements

This section outlines the content and format requirements for all bids submitted in response to this CSG RFP. Bids that do not include the information requested in this section will be ineligible for further evaluation unless the information requested is not applicable or relevant to a given bid. If it appears that certain information is inadvertently omitted from a bid, Black Hills may contact the Respondent to obtain the additional information.

Each bid must contain an Executive Summary that provides an overview of the bid's characteristics, including any unique aspects or benefits. Bids must also include the set of forms included in RFP Attachment A. These forms will contain essential information about each bid, and a separate set of forms and related information must be submitted with each bid. The third section of the bid must provide the required additional documents listed below. The fourth section of the bid must include other bid information, which must be in narrative form under specific topic headings. A complete bid will include the following four components:

1. Executive Summary

2. Complete Set of Applicable Forms

RFP Attachment A of this RFP document includes detailed descriptions of each of these forms, as well as any special instructions for completing the forms. Attachment A to this RFP document includes detailed descriptions of each of these forms, as well as any special instructions for completing the forms.

- Form A Bid Certification and Anti-Collusion Form
- Form B Bid Cover Sheet
- Form C Technical Description
- Form D Construction Milestones
- Form E Supply Amount & REC Bid Form
- Form F Level 2 RFP Photovoltaic System Review Form
- Form G Subscriber Mix Commitment
- Form H Anti-Collusion Affidavit
- Form I Bid Submittal Checklist

3. Additional Documents

Include the following:

- Line Diagram
- Site Plan, including specific proposed location of system interconnection
- State of Colorado Certificate of Good Standing for CSG Subscriber Organization and, if different, for CSG Owner

4. Narrative Topics Discussion

In addition to completed forms, each bid must also include a thorough written discussion of each of the following topics. The narrative topics should be organized under the following headings, with each heading beginning on a separate page.

- CSG Location
- Development Experience, Including Solar Gardens
- Financial Information and Financing Plan
- Proposed CSG Description and Development Schedule
- Equipment Description
- Energy and REC Production Profile
- Real Property Acquisition Description and Plan
- Siting and Permitting Plan
- Operations and Maintenance Plan
- Community/Local and State Government Reaction Assessment

CSG Location. Bids must include information on the CSG location, including a site plan showing the exact location of the proposed site, including transformer location, interconnection point, and acreage required for the proposed solar system. One of the additional documents required under Section 3 is a site plan. The CSG must be located wholly within Black Hills' certificated service territory.

Development Experience. All bids must describe the Respondent's qualifications and experience in developing, constructing, commissioning and operating generation facilities similar to the proposed facility, including the time it took to complete the projects and an overview of similar solar garden sized projects the Respondent has

developed during the last five (5) years. Describe Respondent's operational and "in process" CSGs. Include size, location, and time (months) to complete (or elapsed time to date for solar gardens in process). Please keep Black Hills CSG information separate from other garden information provided. If an engineering, procurement and construction team is in place, the bid should identify the members of the team. If such a group is not in place, the bid must set forth the Respondent's plan for assembling such a team (including process and timing).

Financial Information and Financing Plan. All bids must provide detailed financial information about the proposed CSG. Respondents shall provide a detailed plan for financing the proposed CSG during construction and operation including the financing commitments that the Respondent has obtained. The bid should set forth the credit rating (if any) of any entities that would provide guaranties of the Respondent's obligations. Bids must include an organization chart showing the entities and parent companies that own the Respondent's organization, the proposed CSG Subscriber Organization, and a description of the Respondent's organizational structure.

Proposed CSG Description and Development Schedule. All bids must set out a description of the proposed CSG, including a description and plans for the proposed site and rights of way, utilities services, equipment configuration, interconnection construction and procurement, required permits, the nameplate capacity of the resource in MW, and the respondent's construction contractors and prime subcontractors (if known). Bids must provide a detailed Gantt chart of development activities that includes (at a minimum) entering major equipment and construction subcontracts, target completion dates for financing, site acquisition/control, engineering, permitting, equipment procurement, construction, startup and commissioning, and dates for system operation. Bids must describe the overall development strategy that will ensure that the proposed CSG can be developed in time to meet the proposed commercial operation date.

Equipment Description. At a minimum, bids should indicate, for all major equipment:

- the name of the manufacturer and other vendors;
- models;
- key metrics and characteristics of the equipment;
- performance history of the equipment;
- contracting status; and
- planned delivery dates.

Energy and REC Production Profile. All bids must provide information on expected annual energy production for each production year. Each Respondent must clearly describe anticipated energy production degradation over the term of the CSG Producer Agreement, and scheduled/anticipated replacement of significant components.

Each Respondent must provide the inputs and assumptions used in the calculation of this estimate as well as an indication of what application, if any, was used in the calculation of this estimate. The proposed county in which the development will be located should be used in calculating the estimated production profile of the facility. Submissions in Excel format are preferred.

Real Property Acquisition Description and Plan. Bids must provide a description of the status of real property acquisition and land use permitting for the proposed CSG

that is sufficient for Black Hills to assess the completeness and sufficiency of the Respondent's real property rights, including but not limited to each of the following:

- The status of current site ownership or control. Indicate if control is through:
 - Ownership of a leasehold interest in, or a right to develop, a site for the purpose of constructing the proposed generating facility;
 - An option to purchase or acquire a leasehold site for such purpose; or
 - An exclusivity or other business relationship between Respondent and the entity having the right to sell, lease, or grant Respondent the right to possess or occupy a site for such purpose.
- The plan for acquiring any and all currently uncontrolled necessary real property rights to the proposed CSG.
- Acreage of real property required for the proposed CSG and a schedule for the completion of the real property acquisition process.
- A description of any subdivision or zoning modifications and all city, county, or state land use permits that will be required, such as conditional use, special use or other similar permits and approvals, which will be required for any phase of development, construction, or operations of the proposed CSG.
- A description of existing and planned land use in all directions surrounding the proposed site.

Should a CSG Owner or CSG Subscriber Organization, or their affiliated and parent companies own multiple CSGs on the same “site,” the total capacity of all of the CSGs on the “site” may not exceed 5 MW. A site shall include all contiguous property owned or leased by the Respondent, without regard to interruptions in contiguity caused by easements, public thoroughfares, transportation rights-of-way, or utility rights-of-way.

Permitting Plan. Bids must describe all permits and approvals that will be required for the proposed CSG. State whether any permits have been secured, and if not, whether applications have been filed. Report on the status of any pending applications and any feedback from permitting agencies.

In addition, describe:

- All other federal, state and local permits and approvals that will be required for the proposed CSG, including, but not limited to:
 - Zoning permit
 - Variance approvals
 - Building permits
 - Land use permit
- The plan to obtain the necessary permits and planning approvals required for the proposed CSG.
- The current status of obtaining these permits and any feedback from permitting agencies.

If the proposed site does not currently have the appropriate zoning designation,

provide any rezoning requirements, plans to obtain the rezoning, and any known issues as to rezoning.

Operations and Maintenance Plan. Respondents shall provide a full description of the operations and maintenance plans and labor arrangements for the generation facilities associated with their bids. This description should also include the expected costs and the financing of these costs.

Community/Local and State Government Reaction Assessment. Each Respondent must present a current assessment of, and a plan for continuing to monitor, local community and state reaction to the proposed CSG, and a plan to work with the local community on issues concerning the proposed CSG. Such plan might include the following elements:

- A list of the references used to assess the community/local and state government reaction, and the methodology used to draw conclusions;
- A list of key local contacts interviewed and their opinions;
- An assessment of the community/local and state government reaction at the time of the proposal; and
- An action plan for working with the community/local and state government to successfully complete the proposed CSG.

Subscriber Mix Commitments. Bids are required to provide a breakdown of the respective percentages committed to each subscriber type; residential, small commercial, agricultural, eligible low-income CSG subscribers, or eligible low-income service providers. The combined percentage must be at least 50% of these subscriber types to meet the RFP minimum requirement. Bids must provide a subscriber acquisition plan that details how the minimum commitment will be met and maintained throughout the duration of the project.

Section 4. Evaluation Process and Assumptions

The bid evaluation process will include an assessment of economic and non-economic factors. The economic evaluation will identify the lowest cost bids based upon the specifics of each Respondent's pricing proposal. The bid evaluation process will involve the following steps. These steps are generally sequential, but certain activities will overlap among steps. The non-economic criteria will be used to further reduce the number of eligible bids to within the approved range, if necessary. The Company may also choose to evaluate the non-economic criteria to verify the ability of a Respondent to meet its economic commitments. Any commitments or bid criteria that lead to the assignment of points, and thereby influences the RFP award, are binding on Respondent (if the bid is awarded) for the full 20-year term of the CSG Producer Agreement, and failure to maintain such commitments or meet such criteria may result in treatment of energy as unsubscribed, termination or other remedies that Black Hills may be permitted to exercise to protect its customers and the integrity of the RFP solicitation.

4.1 Eligibility Screening

The information provided in each bid will first be evaluated for completeness and consistency with the proposal submittal requirements outlined in Section 3 of this RFP. CSGs must interconnect directly to the Black Hills system. Preliminary due diligence will also be conducted to identify any "fatal flaws" associated with a bid, such as an unacceptably high

level of development risk, ongoing business risk, and technology risk. As a result of this screening review, Black Hills may either eliminate bids from further consideration, or contact Respondents to clarify information or request additional information. Given the short amount of time allotted to evaluate the bids, Black Hills will limit follow-up contacts to only those bids that meet the minimum eligibility requirements listed in Section 3.1.

4.2 Economic Analysis and Evaluation Assumptions

Utility Discount Rate and Cost of Capital. Black Hills will use a discount rate based on its current weighted after-tax cost of capital which will be announced at the time of the RFP’s actual release.

Levelized Energy Costs. Levelized energy costs of the bids will be calculated to determine potential winning bids. Levelized energy costs will be calculated from the specifics of the bid pricing, and any other costs associated with accepting energy and RECs from the facility. The lowest levelized bid price is the primary determinant for winning bids under the economic analysis.

4.3 Non-Economic Analysis

The Company will assess the non-economic characteristics of the proposals. Non-economic factors that will be assessed include, as applicable and without limitation, the following:

- Financing plan, including ability to utilize tax advantages
- Development, construction and operation experience
- Past solar PV development performance, including solar gardens
- Permitting and zoning and planning approval plan
- Real property acquisition/site control progress and plan
- Operational characteristics (energy production)
- Execution planning
- Operations and maintenance plan
- Community reaction
- Subscriber mix Commitment

4.4 Evaluation Assumptions

The lowest levelized bid price is the primary determinant for winning bids. However, the evaluation process will include an assessment of both economic and non-economic factors. The non-economic factors may be used to assess the feasibility of all potential winning bids. The non-economic factors may result in a low-cost bid being removed from the list of potential winning bids. The non-economic criteria may also be used to break ties after the application of economic evaluation.

4.5 Evaluation Team

A proposal evaluation team, made up of various work groups within the Company, affiliates of the Company such as Black Hills Service Company, LLC, and any consultants hired by the Company to assist with the proposal evaluation (collectively, the “Proposal Evaluation Team”), will evaluate and select proposals. Subject matter experts from the Company, its affiliates and consultants may directly contact Respondents during the proposal evaluation stage.

4.6 Notification of Bid Results

Black Hills intends to notify Respondents of the results of the bid evaluation and begin contract

development on or about the date set forth in Section 2.1 above.

4.7 Post-bid Requirements

Once a Respondent is notified of an accepted bid, they will have ninety (90) calendar days to submit the following to the Black Hills CSG RFP Project Manager:

1. A signed security deposit agreement and security deposit of an amount equal to \$5,000 (only checks or wire transfers will be accepted), which will be refunded if the proposed CSG is completed on or before 24 months after execution of the CSG Producer Agreement and complies with the CSG Program requirements, the CSG Statute and Commission CSG rules. If the CSG is not completed by that date, the deposit will be forfeited and credited to the Renewable Energy Standard Adjustment. The form security deposit agreement is in RFP Attachment B4.
2. A signed escrow agreement and an escrow amount equal to \$100/kW of the CSG's nameplate capacity that will be refunded once the CSG is operational or upon notice that construction of the proposed CSG has been terminated prior to completion. The form escrow agreement is in RFP Attachment B3.
3. Subscriber information for a minimum of 10 subscribers. Documents required for each subscriber include completed:
 - CSG RFP Subscriber Agency Agreement (RFP Attachment B5)
 - CSG RFP Subscriber Low Income Verification Form (if necessary) (RFP Attachment B6)
 - Data Privacy form per subscriber (Black Hills website at: <https://www.blackhillsenergy.com/billing-and-payments/rates-and-regulatory-information/colorado-rates-and-regulatory-information>)
4. Evidence that the project has a minimum aggregate commitment of 50% of CSG capacity that corresponds to (i) eligible low-income CSG subscriber and eligible low-income CSG service providers, (ii) small commercial, (iii) residential not including eligible low-income CSG subscribers, (iv) agricultural. Each project must specify the respective percentage commitment for each of the foregoing categories and must provide a subscriber acquisition plan that, among other things, describes how the Respondent expects to meet each such target percentage.
5. Interconnection:
 - Completed Sections A, B, C and D of the Interconnect Application/Agreement for Parallel Generation Service (the form agreement is in RFP Attachment B2B)
 - Line Diagram
 - Final Site Plan
6. An executed CSG Producer Agreement. An executed CSG Producer Agreement (the form agreement is in RFP Attachment B1)
7. Certificate(s) of Insurance for insurance required by both the CSG Producer

Agreement and the Interconnection Application/Agreement.

Failure to meet post-bid requirements may result in rejection of the bid and suspension from future participation in the Company's CSG program.

4.8 Changes to CSG Location

Once a Respondent has been notified that a bid has been accepted, the CSG location can only be changed one time. The system must continue to be wholly located within Black Hills' certificated service territory and must interconnect directly to the Company's system. In the event a successful respondent requests that the CSG location be moved more than one time, that Respondent's bid will be rejected and the entire \$5,000 deposit will be forfeited. In that event, Black Hills reserves the right, at its discretion, to accept the next most qualified proposal from another project from this solicitation.

4.9 Posting of Winning Bids

After the selection and notification of the winning Respondent(s), Black Hills reserves the right to post on its RFP Website a subset of or in total the following information applicable to each selected proposal:

- Geographic location of the CSG;
- Nameplate capacity of the CSG;
- Proposal subscribed REC price;
- System tracking (fixed axis, single axis for example);
- Name of the CSG Owner or CSG Subscriber Organization (if different than the CSG Owner); and
- Contact information (e-mail address and telephone number) of the CSG Owner or CSG Subscriber Organization.

Attachment A to Black Hills CSG RFP

RFP Attachment A – Black Hills CSG RFP

Bid Forms and Instructions

As discussed in Section 3, the completed forms, attachments and narrative topic discussions, will comprise a complete bid. The contents of each form and any special instructions for completing the forms are described below.

If additional space is needed to elaborate on information requested on any form, please attach additional sheets with the heading “Form - Additional Information.”

If certain information is requested that does not apply to the bid, the Respondent must indicate that the information is not applicable. If appropriate, the Respondent should explain why the information is not applicable.

Form A

Bid Certification and Anti-Collusion Form

All bids must include a completed Bid Certification form signed by an officer or other authorized employee of the Respondent. This form will certify that the information in the bid is accurate, that the pricing includes all costs for the proposed term of service and that the Respondent agrees to be bound by the terms and conditions contained in the RFP. Further, the Respondent must accept the CSG Producer Agreement and all of the other agreements included in the RFP (RFP Attachment B).

Form B

Bid Cover Sheet

This form requests general information about the Respondent, the proposed generation technology, type of sale, and capacity.

Form C

Technical Description

This form requests information about the proposed configuration of generation equipment, as well as operational characteristics.

Form D

Construction Milestones

This form requests that Respondents provide estimated dates for meeting a series of development and construction milestones for the proposed CSG. Other milestones may be added by Respondent.

Form E
Supply Amount & REC Bid Form

REC Bid Pricing

In Form E – Supply Amount & REC Bid Form, the Respondents must provide bid price in \$/MWh that would be paid by Black Hills during each production year. The Company will round all bids to at least the second decimal place for bid evaluation purposes. Respondents shall provide a constant price for each year of the term specified in the CSG Producer Agreement.

All unsubscribed energy (including associated RECs) will be purchased at Black Hills’ average hourly incremental cost of electricity supply over the most recent calendar year.

REC Quantity

In Form E – Supply Amount & REC Bid Form, Respondents must also provide a projected number of RECs to be produced during each contract year. The number of projected RECs to be produced each year will be evaluated against data representing expected generation output according to the technology being employed. Annual projection estimates which do not appear reasonable in comparison to that data will be questioned and may cause the bid to be modified or rejected.

Form F
Level 2 RFP Photovoltaic System Review Form

This form requests information which, along with the required Line Diagram and Site Plan, is requested by the Company in order to enable it to preliminarily assess interconnection and to provide a non-binding interconnection cost estimate to the Respondent prior to bid selection by the Company.

Form G
Subscriber Mix Commitment

This form requests Respondents to set forth the percentage of the allocation of the CSG’s capacity that must have a minimum aggregate commitment of 50% of CSG capacity that corresponds to: (i) eligible low-income CSG subscriber and eligible low-income CSG service providers, (ii) small commercial, (iii) residential not including eligible low-income CSG subscribers, and (iv) agricultural. It also requests any capacity committed to donation to direct billed low-income customers.

Form H
Anti-Collusion Affidavit

All Respondents must certify that, among other things, they have not discussed bid pricing with other Respondents.

Form I
Bid Submittal Checklist

This form provides a checklist to use to verify that bid submittal requirements have been satisfied.

Form A – Black Hills CSG RFP
Certification Form

The undersigned Respondent hereby certifies that all of the statements and representations made in this proposal are true to the best of the Respondent's knowledge and belief, the information in the bid is accurate, and the pricing includes all costs for the proposed term of service. The Respondent agrees to be bound by the terms and conditions contained in the RFP. The Respondent accepts the contract included in the RFP (RFP Attachment B). This certification will apply to any updates provided by Respondent to Black Hills as allowed by the RFP. This form may be executed by electronic signature and/or may be delivered via electronic means (including pdf or any electronic signature complying with the U.S. federal ESIGN Act of 2000 and the Colorado Uniform Electronic Transactions Act) or other transmission method and any counterpart so delivered shall be deemed to have been duly and validly delivered and be valid and effective for all purposes.

Submitted by: _____
(legal name of firm)

Respondents: _____
(if different than above)

Signature of an officer of Respondents: _____

Print or type name of officer: _____

Title: _____

Date: _____

Respondent's Role
(CSG Owner, CSG Subscriber Organization or Both): _____

Form B – Black Hills CSG RFP
Bid Cover Sheet/Application

1) CSG / Facility Name: _____

2) CSG Location (complete address including county): _____

3) Respondent's Contact:

Name: _____

Company: _____

Address (Street, City, State, Zip): _____

Phone: _____

Email: _____

4) Alternate Respondent's Contact:

Name: _____

Address (Street, City, State, Zip): _____

Phone: _____

Email: _____

5) CSG Subscriber Organization:

Name: _____

Address (Street, City, State, Zip): _____

Phone: _____

Email: _____

6) Developer/System Owner Information (CSG Owner)(if different from CSG Subscriber Organization):

Name: _____

Address (Street, City, State, Zip): _____

Phone: _____

Email: _____

7) Estimated Peak Nameplate Capacity kW AC: _____

8) Estimated Annual Calendar Year Energy Production (MWh) _____

9) Proposed Construction Start Date: _____

10) Proposed Commercial Operation Date: _____

11) As applicable, please list and provide an organizational chart of all affiliates and parent companies of:

- a) The CSG Subscriber Organization
- b) The CSG Owner

12) Describe the current or proposed legal status of the Respondent and the state of organization: _____

13) Disclose any known commercial affiliations, partnerships, or alliances with the Company or Black Hills Corporation or its affiliates including Black Hills Power Inc. or Cheyenne Light, Fuel & Power Company: _____

Election to either sell or have subscribers retain all RECs associated with subscribed energy (Sell/Retain):

Form C – Black Hills CSG RFP

Technical Description

1) Check to validate that you will use new and original equipment that is UL approved and meets IEEE and other applicable standards (note: the RFP will be disqualified and will not be considered if the answer to this question is “no”). yes no

2) Describe the solar technology, including, system size, the number of PV panels, the number of inverters, ancillary equipment, etc.

3) Provide relevant specifications about the proposed generation, inverter and other significant equipment such as brand, model, fabricator, rating, size, capabilities, etc.

4) Describe the configuration of the proposed generation equipment, including system tracking, tilt, azimuth, etc.

5) Describe the performance history of major components of the technology as listed above. Provide a list of projects and contact information corresponding to past performance history.

Form D – Black Hills CSG RFP
Construction Milestones

DATE	RESULTS ACHIEVED
1	Respondent shall have submitted post bid information required by RFP.
2	Respondent has executed the CSG Producer Agreement.
3	Respondent shall have received site acquisition/control.
4	Respondent obtains site survey and soils report.
5	Respondent shall have obtained all variance allowances and planning approval.
6	Respondent shall have obtained all required permits.
7	Respondent shall have achieved closing on financing for the CSG facility or have provided Black Hills with proof of financial capability to construct the proposed CSG.
8	Respondent and all required counterparties have executed major procurement contracts, the construction contract, and any operating agreements needed to commence construction of the Facility.
9	Respondent shall have started CSG construction.
10	Respondent shall provide Black Hills with copies of applicable inspection reports for the proposed CSG.
11	Respondent shall provide Black Hills with evidence of complying with insurance coverage requirements prior to the Date of Commercial Operation.
12	Respondent shall have made the Interconnection of the CSG generating facility to Black Hills's system and the CSG is capable of being energized.
13	Commercial Operation has been achieved and the date duly recorded.
14	All other requisite CSG RFP documentation is executed and on file.
15	Respondent completes proposed CSG 24 months from execution of CSG Producer Agreement.

Form E – Black Hills CSG RFP
Supply Amount & REC Bid Form

Projected Date of Commercial Operation	
System nameplate AC output capacity (kW)	
Annual solar degradation rate (%)	
Election to sell or have subscribers retain all RECs associated with subscribed energy (Sell/Retain)	
Existing Black Hills Customer? (Yes/No)	
If yes, Black Hills Account Number:	

Production Year	Production Estimate (MWh)	\$/MWh
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
Fill in requested data for each production year under contract		

Form F – Black Hills CSG RFP
Level 2 RFP Photovoltaic System Review Form

Form F - Level 2 RFP Photovoltaic System Review Form

Level 2 Renewable Energy System Review

Customer Information	
RENEWABLE ENERGY SYSTEM Rating (DC Watts)	
Inverter: (single phase) (three phase)	
Inverter model number	
Main entrance voltage	
Main entrance voltage configuration (3 phase Y grounded, 3 phase Delta, 3 phase Delta grounded, single phase 3 wire, Single phase network)	
Main entrance size (A)	
Address/Location/Sec-Twp-Rng of RENEWABLE ENERGY SYSTEM	
Include map/sketch of Black Hills Energy primary (>600V) system relative to customer RENEWABLE ENERGY SYSTEM	

Attach Site plan view showing Renewable Energy System relative to Black Hills Energy power lines

Phone Number: _____ Customer Name: _____ Account Number: _____
 Engineer: _____ Contact number: _____

<p>AC output of the Renewable Energy system: _____ Kilowatts</p> <p>Magnitude and duration of the fault current generated by the Renewable energy system- AC output/ Inverter:</p> <p>_____ SECONDS</p> <p>_____ AMPS</p> <p>Voltage that the fault current above is generated at: _____ VOLTS</p> <p>Type of interconnection to utility (3 phase or single phase)</p> <p>If the Renewable Energy System is interconnected to a secondary (< 600 Volts) system, are other Black Hills Customers served from the same secondary system. ___ Yes ___ No</p> <p><small>Commercial businesses served with three phase conductors shall have a 3 phase inverter interconnected to Black Hills. 3 single phase inverters are not an acceptable substitute.</small></p>	<p>Check List: Fill-in or check each box when submitting:</p> <p>Level 2 form filled out by engineer: ___ (1 each meter)</p> <p>Load History ___ by BHE</p> <p>One Line Diagram, including location of Production Meter ___</p> <p>Transformer Station Number (best info found in field) _____</p> <p>Nearest Street Intersection _____</p>
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Form G – Black Hills CSG RFP

Subscriber Mix Commitment

1) Provide a breakdown of the percentage of the allocation that must have a minimum aggregate commitment of 50% of CSG capacity that corresponds to: (i) eligible low-income CSG subscriber and eligible low-income CSG service providers, (ii) small commercial, (iii) residential not including eligible low-income CSG subscribers, and (iv) agricultural.

=

2) What percentage of the CSG capacity is committed to donation to direct billed low-income customers?

=

Form H – Black Hills CSG RFP

Anti-Collusion Affidavit

I hereby attest that I am the person responsible within my firm for the final decision as to the details, price(s) and amount of this proposal or, if not, that I have written authorization, enclosed herewith, from that person to make the statements set out below on his or her behalf and on behalf of my firm.

I further attest that:

1. The price(s) and amount of this bid have been arrived at independently, without consultation, communication or agreement for the purpose or with the effect of restricting competition with any other firm or person who is a bidder or potential prime bidder.
2. Neither the price(s) nor the amount of this bid have been disclosed to any other firm or person who is a bidder or potential bidder on this project and will not be so disclosed prior to bid opening.
3. Neither the prices nor the amount of the bid of any other firm or person who is a bidder or potential prime bidder on this project have been disclosed to me or my firm.
4. No attempt has been made to solicit, cause or induce any firm or person who is a bidder or potential prime bidder to refrain from bidding on this project, or to submit a bid higher than the bid of this firm, or any intentionally high or non-competitive bid or other form of complementary bid.
5. No agreement has been promised or solicited for any other firm or person who is a bidder or potential prime bidder on this project to submit an intentionally high, noncompetitive or other form of complementary bid on this project.
6. The bid of my firm is made in good faith and not pursuant to any consultation, communication, agreement or discussion with, or inducement or solicitation by or from any firm or person to submit any intentionally high, noncompetitive or other form of complementary bid.
7. My firm has not offered or entered into a subcontract or agreement regarding the purchase or sale of materials or services from any firm or person, or offered, promised or paid cash or anything of value to any firm or person, whether in connection with this or any other project, in consideration for an agreement or promise by any firm or person to refrain from bidding or to submit any intentionally high, noncompetitive or other form of complementary bid or agreeing or promising to do so on this project.
8. My firm has not accepted or been promised any subcontract or agreement regarding the sale of materials or services to any firm or person and has not been promised or paid cash or anything of value by any firm or person, whether in connection with this or any other project, in consideration for my firm's submitting any intentionally high, noncompetitive or other form of complementary bid, or agreeing or promising to do so, on this project.
9. I have made a diligent inquiry of all members, officers, employees, and agents of my firm with responsibilities relating to the preparation, approval or submission of my firm's bid on this project and have been advised by each of them that he or she has not participated in any communication, consultation, discussion, agreement, collusion, or other conduct inconsistent with any of the statements and representations made in this affidavit.
10. I understand, and my firm understands that any misstatement in this affidavit is and shall be treated as a fraudulent concealment from Black Hills Energy, of the true facts relating to submission of bids for this RFP.

Submitted by: _____
(Legal signature of responsible individual for developer (or if none, customer))

Printed Name: _____
(Legal printed name of responsible individual)

Title: _____

(Business title of responsible individual)

Date: _____

Company: _____

Business Address:

Form I – Black Hills CSG RFP
Bid Submittal Checklist

- Required Bid Fee
- Executive summary
- All applicable bid forms complete/provided
 - Form A Bid Certification Form
 - Form B Bid Cover Sheet
 - Form C Technical Description
 - Form D Construction Milestones
 - Form E Production Estimate & Subscribed REC Bid Form
 - Form F Level 2 RFP Photovoltaic System Review Form
 - Form G Subscriber Mix Commitment
 - Form H Anti-Collusion Affidavit
- Additional documents provided
 - Line Diagram
 - Site Plan, including specific proposed location of system interconnection
 - State of Colorado Certificate of Good Standing for CSG Subscriber Organization and, if different, for CSG Owner
- Narrative topics discussions
 - CSG Location
 - Development Experience
 - Financial Information and Financing Plan
 - Description and Development Schedule
 - Equipment Description
 - Energy Production Profile
 - Real Property Acquisition Description and Plan
 - Permitting Plan
 - Operations and Maintenance Plan
 - Community/Local and State Government Reaction Assessment

