

# *SOPEC*

## *Southeast Ohio Public Energy Council*

July 22, 2014

Interested Parties:

The Southeast Ohio Public Energy Council (SOPEC) is pleased to share the following Request for Proposals, which is intended for those who wish to provide Electric Aggregation Supply and Program Services to Athens County and the City of Athens. SOPEC will accept proposals up to 5:00 PM, August 22, 2014 and conclude the bid process by 5:00 PM, September 8, 2014. If you have questions, please contact me at:

Roger Wilkens, Aggregation Administration Consultant  
94 Columbus Road  
Athens, Ohio 45701

Telephone: [\(740\) 541-5340](tel:(740)541-5340) Fax: [\(740\) 593-5451](tel:(740)593-5451)  
Email Address: [athensaggregation@gmail.com](mailto:athensaggregation@gmail.com)

Sincerely,

Roger Wilkens  
Aggregation Administration Consultant



# ***SOPEC***

***Southeast Ohio Public Energy Council***

**RFP: 2014-001 Residential and Small Commercial Electric Aggregation**

**Request for Proposals**

**To Provide Electric Aggregation Supply and Program Services for  
Athens County and Athens City**

**Issued by SOPEC**

**15 South Court St. 2<sup>nd</sup> floor**

**Athens, Ohio 45701**

## 1.0 Introduction

The Southeast Ohio Public Energy Council (SOPEC) is seeking proposals from certified Competitive Retail Electric Service (CRES) providers (collectively “Respondents”) to provide electric aggregation program services for the Athens County and the City of Athens. The County and City’s electorate on November 5, 2013, voted to authorize their jurisdictions to create an “opt-out” electric aggregation program under Chapter 4928 of the Ohio Revised Code. SOPEC is certified to provide governmental aggregation by the Public Utilities Commission of Ohio (PUCO). There currently are approximately 16000 residential customers and 1900 small commercial customers within the jurisdictions covered by SOPEC’s aggregation. This area falls within American Electric Power’s service territory.

The goals of the SOPEC aggregation program include: 1) providing lower cost energy for consumers; 2) producing investments in local projects of importance to the region’s energy future; 3) securing clean and sustainable energy sources as a significant portion of SEPOC’s energy supply; 4) securing investments in local energy efficiency initiatives; 5) ensuring that suppliers provide quality, reliable service and first-rate customer service; and 6) advancing community economic and energy development goals.

SOPEC is seeking to explore different options of aggregation services in order to determine how to most effectively achieve these goals. SOPEC will accept Proposals from “turnkey” aggregation program providers who provide all program services including generation, as well as separate Proposals from brokers, generation suppliers and suppliers of advanced energy services.

## 2.0 Proposal Procedures

### Intent to Propose:

Interested parties should submit an Intent to Propose Letter to the attention of Roger Wilkens at the address below on or before July 28, 2014 at 5 p.m. Submission will not obligate your company in any way and is for the purpose of tracking and providing information to parties. Only those who submit a signed Intent to Propose letter will receive notices during the RFP process.

### Contact Person:

Roger Wilkens  
Aggregation Administration Consultant  
94B Columbus Road, Athens, Ohio 45701  
Telephone: (740) 541-5340 Fax: (740) 593-5451  
Email Address: [athensaggregation@gmail.com](mailto:athensaggregation@gmail.com)

Proposal Conference: An optional Preproposal Conference will be held on August 4, 2014 at 1 p.m. Attendance is optional. Attendance must be in person. Please indicate the number attending in your Intent to Propose Letter.

Due Date: Proposals must be received and time stamped by 5:00 PM, August 22, 2014. It is the Respondent's sole responsibility to meet the deadline. No proposals will be accepted after that time unless SOPEC extends the deadline in advance by written notice to parties. By submitting a proposal, the Respondent agrees to abide by the decision of SOPEC, which shall be final.

Schedule of Events: The following is an anticipated calendar for the Proposal Process. It is intended solely for planning purposes, and dates may be adjusted by SOPEC as necessary. All times are based on local Eastern Standard Time in Athens, Ohio.

Final RFP Issued:	July 22
Letter of Intent and Conference RSVP	July 28
Pre-Proposal Conference (Optional):	Aug 4
Addenda issued (if any)	Aug 8
Proposals are due:	Aug. 22
Interviews with select Respondents (if any):	Aug. 25-29

2.1 Form of Proposal: All Proposals must be prepared on standard 8 ½ x 11-inch paper. Respondents must submit an original and 6 complete copies and one electronic copy on disc or thumb drive to:

Roger Wilkens  
Aggregation Administration Consultant  
94B Columbus Road, Athens, Ohio 45701

Proposals must be in a sealed envelope clearly marked, "**RFP: SOPEC Energy Aggregation**" with the Company name clearly visible. Proposals will not be accepted by email.

Respondents that propose a turnkey program may include all costs in a single proposed rate per kilowatt-hour. Respondents that propose to provide only aggregation program services or only generation services shall separately itemize the costs of these services. Respondents should indicate the specific services that will be provided and any requested services that are excluded from the Respondent's Proposal.

Questions about this RFP must be in writing and should be directed to:

Roger Wilkens  
Aggregation Administration Consultant  
94B Columbus Road, Athens, Ohio 45701  
Telephone: (740) 541-5340 Fax: (740) 593-5451  
Email Address: [athensaggregation@gmail.com](mailto:athensaggregation@gmail.com)

Email questions are permissible. Please note that SOPEC is not required to answer every question, and reserves the right not to answer any individual question. All answers to questions will be made

available through this web page. Please identify a contact person from your company to respond to questions about your proposal. Proposals will not be returned.

2.2 Instructions: The Proposal must contain numbered paragraphs that correspond to the format of this RFP. Respondents shall indicate, whether the Respondent accepts the substantive provision, takes exception to it, or proposes an alternative approach. Respondents are urged to emphasize proposed enhancements to the aggregation program that would exceed the minimum requirements contained in PUCO's CRES rules.

2.3 SOPEC's Discretion: This is a Request for Proposals, and is not an offer, contract, or invitation to bid. The submission of a Proposal in response to this process does not impose any contractual, quasi-contractual, or other legal obligations upon either SOPEC or the Respondent. SOPEC may, at its sole discretion, modify or amend any provision of this RFP. SOPEC reserves the right to reject any or all Proposals, to waive irregularities, informalities, and technicalities, to negotiate with any or all persons submitting Proposals, and to enter into any agreement or agreements with any person for any or all the services described in this RFP. SOPEC reserves the right to modify the scope of services at any time before execution of a contract to add, delete, or otherwise amend any item(s), as it deems necessary, in its sole judgment, and in the best interest of SOPEC.

### **3.0 Scope of Services**

SOPEC intends to enter into one or more contracts with one or more vendors to provide all necessary aggregation program services. To enable the consideration of as many contracting options as possible, SOPEC will consider proposals from all PUCO-certified aggregation service providers including brokers, marketers, and generation companies. These contracting options include:

- A contract with a single vendor for a turnkey program that includes all aggregation program services and generation supply;
- Separate contracts with an aggregation program service provider(s) and a generation supplier; and
- A separate contract with an aggregation service provider to help SOPEC better achieve the goals set forth in section 1.0.

For the purposes of this RFP, "aggregation program services" consists of all program services described in section 3 except for the provision of generation.

Respondents are encouraged to submit proposals for both a two-year timeframe and a three-year timeframe.

Respondents that propose a turnkey program may include all costs in a single proposed rate per kilowatt-hour. Respondents that propose to provide only aggregation program services or only generation services shall separately itemize the costs of these services. Respondents should indicate the

specific services that will be provided and any requested services that are excluded from the Respondent's Proposal.

- 3.1 Request for Proposals. If applicable, prepare a Request for Proposals to solicit from CRES suppliers for services that will not be performed by the Respondent.
- 3.2 Conduct Opt-out process. Conduct all aspects of the opt-out process including preparing initial and refresher opt-out notices, submitting the opt-out materials to the PUCO, mailing the opt-out notices to customers, receiving the returned postcards, and finalizing the aggregation customer pool.
- 3.3 Customer Rates. Respondents should state in clear terms how they are pricing their product. Respondents are encouraged to present pricing for 1) a percentage discount off the Price to Compare as calculated in the AEP tariff; 2) other variable rates specifying the formula for how they are calculated; 3) fixed rates; and 4) pricing for other aggregation program services. Respondents are encouraged to present their recommendations with explanation on the most appropriate pricing model.
- 3.4 Administrative Fee. The CRES provider may be required to pay an administrative fee to SOPEC to reimburse SOPEC for SOPEC's costs of administering the aggregation program, which shall be added to the price proposed by the Respondent.
- 3.5 Termination Fee. There shall be no termination fee charged by the CRES provider for any customer who opts to leave the aggregation program at any point during the term of the contract.
- 3.6 Program Changes. If the Respondent is proposing a turnkey aggregation program that includes all program services and generation, the cost of all program services and administrative support must be included in the proposed rates and no fees or charges will be payable by SOPEC to Respondent. If Respondent's Proposal includes the option to purchase program services alone (i.e., all aggregation program services except generation supply), the proposed charges must be individually itemized and submitted in a separate envelope as required by Section 2.1.
- 3.7 Billing Services. Describe in detail the proposed customer billing process. Aggregation program customers shall receive a single consolidated bill, from AEP, containing both the CRES and Electric Distribution Utility ("EDU") charges. Respondents shall include a sample of the form of bill that would be used in the program.
- 3.8 Collections. Describe in detail your company's proposed collections process. As between the Respondent and SOPEC, the Respondent shall bear all risk of nonpaying customers and all risk of non-supply of power (if generation services are included in the Proposal).

- 3.9 Data Base. Prepare a comprehensive and confidential database of accounts enrolled in the program, tracking accounts that have opted out of the program and accounts that are added during the course of the program.
- 3.10 Customer Service Program. Describe your company's customer-service program and how it will address the needs of SOPEC's aggregation program. Identify and describe the nature of any formal complaints to the PUCO initiated by customers, and include a description of how the complaints were resolved. Provide copies of news articles appearing in the mainstream press within the last year related to customer complaints.
- 3.11 Call Center. Describe the call center that will respond to inquiries from residents and program participants. Include any available metrics that describe the efficiency and effectiveness of the call center operation (such as average minutes on hold, etc.). Include any available tracking metrics from your company's other aggregation programs on the average number of calls received during a month, the length of time required to resolve billing disputes, and similar information. In support of SOPEC's local economic development goals, proposals that involve a call center in southeast Ohio would be viewed favorably and one in Athens County, most favorably.
- 3.12 Internet Web Page. SOPEC's CRES provider will be required to establish and maintain an Internet web page providing information about the aggregation program.
- 3.13 Reporting. The Respondent shall provide monthly reports to SOPEC relating to the status of the aggregation program, including number of customers by class, number of calls received by the call center, PUCO complaints/resolutions, number of customers added to or dropped from the program, year-to-date SOPEC administrative fee, marketing process, customer savings, renewable energy mix, and local investments.
- 3.14 Securing Clean and Sustainable Energy Sources. Respondents are requested to propose pricing options that include the provision of renewable energy, specifying to what degree the options are backed by Renewable Energy Certificates or through direct purchase or generation and where these sources originate. Options should be proposed to meet the following percentages:
- Conventional generation
  - 25 percent renewable
  - 50 percent renewable
  - 100 percent renewable

Respondents shall identify the type of renewable energy (wind, solar, etc.) that would be delivered to SOPEC, the source of the renewable energy (either owned or purchased), whether RECs would be Green-e certified, and to the extent possible the location of renewable energy generation. SOPEC is especially interested in promoting local and Ohio-based renewable energy sources.

In proposed options when 100 percent renewable is not required, Respondents should state whether they would allow customers to “Opt-in” and pay a premium for 25, 50, or 100 percent renewable power as an option. Describe in your proposal the optional charges for each option.

The pricing shall be firm for the duration of the aggregation contract. The specific mix and quantity of renewable energy shall be subject to negotiation to arrive at a product that meets SOPEC’s objectives and is economical for the customer.

Use this chart to describe the Power Supply Portfolio of power that would be delivered to SOPEC under your proposal.

<b>Fuel/ Plant Type</b>	<b>% Of Power Supply Portfolio</b>	<b>Anticipated Cost Premium Above Average Market Price</b>
<b>Nuclear</b>		
<b>Coal</b>		
<b>Natural Gas</b>		
Combined Cycle		
Simple Cycle		
<b>Biomass</b>		
SEO Resources		
Ohio Resources		
Non-Ohio Resources		
<b>Hydro</b>		
SEO Resources		
Ohio Resources		
Non-Ohio Resources		
<b>Solar Thermal</b>		
SEO Resources		
Ohio Resources		
Non-Ohio Resources		
<b>Solar PV</b>		
SEO Resources		
Ohio Resources		

Non-Ohio Resources		
<b>Wind</b>		
SEO Resources		
Ohio Resources		
Non-Ohio Resources		
<b>Other</b>		
<b>TOTAL</b>		

- 3.15 Community Development Fund. Respondents may be required to charge a fee to fund programs related to Energy Efficiency or other clean energy initiatives. This fee would be in addition to the price charged by the Respondent.
- 3.16 Grants and Value-Added Services. Respondents should include a description of any grants or value-added services that will be made available to SOPEC by the selected Respondent. The Respondent should specify in detail not only the services that would be provided but also whether they would be delivered directly or through a specified subcontractor.
- 3.17 Investment in Local Projects Important to the Region’s Energy Future. The following are examples of the kinds of local projects that SOPEC would value as part of aggregation program services.
1. Consumers of electricity are surrounded by a variety of *energy efficiency* products, services and programs, ranging from LEDs to Energy Star appliances, from to whole house energy monitors to energy audits and retrofits. Research shows that these products, services and programs are poorly utilized. According to the Georgetown University Energy Prize staff, participation in energy efficiency programs is typically less than 5%. Even when consumers are aware of such products, services and programs, they do not take the steps necessary to utilize them. SOPEC does not want to create another poorly utilized energy efficiency program. Rather, SOPEC wants to institute *a program that increases the utilization and impact of energy efficiency products, services and programs by consumers in our service area.* Respondents to this RFP are invited to propose a program that increases energy efficiency utilization by addressing at least the following:
    - Provides information and education regarding the benefits and availability of energy efficiency products, services and programs in our area,
    - Presents financial implications and payback periods in simple terms
    - Assists households, small businesses and public facilities in developing plans of action for implementing energy efficiency

- Helps households, small businesses and public facilities move to action in implementing their plan
- Uses social processes to involve friends and neighbors, other businesses, and facility managers, encouraging them to likewise adopt energy efficiency measures
- Provides timely feedback to consumers on the consequences of their energy efficiency actions in terms of energy consumption
- Respondents are encouraged to creatively add elements to this design of a *program that increases the utilization and impact of energy efficiency products, services and programs by consumers in our service area.*

2. Respondents to this RFP are invited to propose an energy efficiency product program to promote widespread use of LED lighting in residential and public buildings, either through a rebate program or free distribution of products. CREE products or equivalent are preferred.

3. Respondents to this RFP are invited to propose a grant program to promote use of energy efficiency products and services in residential and public buildings.

3.18 Advancing SOPEC's Overall Community Economic and Energy Development Goals. SOPEC wishes to encourage the development of local, distributed generation of renewable power. Consequently, we will give greater consideration to respondents that propose any or all of the following:

- A program that pays a premium rate to surplus net-metered energy, consistent with Ohio law.
- A program that includes the power generated from eligible renewable resources within Athens County by projects with installed capacity of at least one megawatt (Mw) in year one of the contract, at least two megawatts (Mw) in year two of the contract and at least three megawatts (Mw) in year three of the contract. If distributed generation facilities are used in the proposed program, the program should provide at least 1200 SRECs in year one; at least 2400 SRECs in year two and at least 3600 SRECS in year three.
- A program that includes the power generated from eligible renewable resources within Southeast Ohio by projects with installed capacity of at least 5 megawatts (Mw), or the portion of power from a larger project that equals 5 Mw of generating capacity in year one of the contract, at least 10 megawatts (Mw), or the portion of power from a larger project that equals 10 Mw of generating capacity in year two of the contract, and at least 15 megawatts (Mw), or the portion of power from a larger project that equals 15 Mw of generating capacity in year three of the

contract. If distributed generation facilities are used in the proposed program, the program should provide at least 6000 SRECs in year one; at least 12,000 SRECs in year two and at least 18,000 SRECS in year three.

(Eligible renewable resources are solar, wind, hydro, biomass and methane digesters for electricity generation.)

Respondents proposing local generation programs will present such programs as part of a turnkey proposal or in partnership with other suppliers to fully meet the supply requirement of SOPEC.

Respondents are encouraged to present creative approaches to meet SOPEC's overall goals enumerated in section 1.0

- 3.19 Insuring Continuity of Net Metering. Respondents should describe the steps they will take to insure that existing net metering contracts and agreements are honored and similar net metering arrangements are afforded to all SOPEC customers.

#### **4.0 Company Information**

- 4.1 Organization. Describe your company's organization, including parent, affiliates, subsidiaries, number of employees, and other general information. Identify and describe any subcontractors or vendors that you would retain for advertising, promotional, telephone solicitation or any other purpose related to aggregation program services.
- 4.2 Regulatory Certifications. Respondents must meet all applicable federal, state, and local requirements for the services to be provided. Describe your company's compliance with the regulatory and legal requirements for the services that your company provides in all states in which your company operates. Include your Ohio CRES certification number and date certifies by the PUCO.
- 4.3 Generation Assets/Resources. Describe any physical generation assets that your company owns or controls, your company's portfolio of purchased power resources, and your company's approach to ensuring a reliable supply of power at affordable prices. All purchased-power resources must be firm power with liquidated damages.
- 4.4 Form of Contracts. Provide a copy of your company's form of contract or sample contract from a previous or current government aggregation program. The Proposal must include all proposed terms relating to contingencies, force majeure, and any other proposed grounds that would excuse non-performance by Respondent.
- 4.5 New Customer Enrollment Policy. Describe your new customer enrollment policy and average cost per new customer.

- 4.6 Sustainability. Describe how the company incorporates sustainability into its own operations and way of doing business, including transparent sustainability reporting (e.g. Global Reporting Initiative, Carbon Disclosure Project, etc.).

## 5.0 Marketing and Education

- 5.1 Marketing Program. Describe what your company's approach will be to marketing and promoting the aggregation program, including the incorporation of renewable energy generation. Include samples of educational materials used in other government aggregation programs.
- 5.2 Customer Education. Describe your company's program to educate customers regarding electric aggregation, including the importance of supporting renewable energy development and energy efficiency. Include samples of educational materials used in other government aggregation programs.
- 5.3 Marketing Materials, Press Releases. All marketing and promotional materials distributed in the program shall include the SOPEC logo and shall be subject to SOPEC's approval. Respondents shall coordinate with SOPEC in advance of any press releases or media events related to SOPEC or the aggregation program.

## 6.0 Assistance to SOPEC.

- 6.1 Community Engagement. The Respondent may be required to participate in presentations to groups of interested parties or individuals regarding the aggregation program. The Respondent may be required to prepare materials for such presentations.
- 6.2 Regulatory Compliance. The Respondent shall assist SOPEC in meeting all regulatory requirements, including amending the Plan of Operation and preparing and filing opt-out notices, quarterly/annual reports, and other required filings with the PUCO.

## 7.0 Legal Matters.

- 7.1 Investigations. Describe any criminal, civil, or administrative investigations within the past ten years by any governmental authorities into the business conduct of your company, its affiliates, subsidiaries, or related companies, and their officers, agents and employees, relating to any alleged violation of law, regulation, order or rule. Also describe the outcome of the investigation.
- 7.2 Litigation. Describe any litigation filed in the past ten years by any person or governmental authority arising out of circumstances described in the preceding paragraph, and the outcome of that litigation.
- 7.3 Defaults. Describe any contractual default or deemed noncompliance by your company, its affiliates, subsidiaries, or related companies in the past ten years arising from an obligation to deliver electricity to any third party. Describe the outcome of any such default or noncompliance.

## **8.0 Proposal Requirements.**

- 8.1 Submission of Proposal. Each Respondent shall submit its Proposal(s) in the number, form and manner, and by the date and time and at the location as set forth in Proposal Procedures section 2.0. Each Respondent shall provide all information requested in this RFP and organize Proposal(s) to address each of the elements of the RFP. The Respondents should carefully read all instructions and requirements and furnish all information requested. If a Proposal does not comply with all terms, conditions, and requirements for submittal, SOPEC may consider it unacceptable and may reject it without further consideration.
- 8.2 Recycled Materials. SOPEC wishes to promote the greatest feasible use of recycled and environmentally sustainable products and to minimize waste in its operations. To that end, all Proposals should comply with the following guidelines: Unless absolutely necessary, copies should minimize or eliminate use of non-recyclable or non-reusable materials. Materials should be in a format permitting easy removal and recycling of paper. A Respondent should, to the extent possible, use products consisting of or containing recycled content in its Proposal including, but not limited to, folders, binders, paper clips, diskettes, envelopes, boxes, etc. Do not submit any or a greater number of samples, attachments or documents than specifically requested.

## **9.0 SOPEC's Rights and Requirements**

- 9.1 Interviews. The Aggregation Administrator, at his sole discretion, may require any Respondent to augment or supplement its proposal or to meet with SOPEC's designated representatives for interview or presentation to further describe the Respondent's qualifications and capabilities. The requested information, interview, meeting, or presentation shall be submitted or conducted, as appropriate, at a time and place the Administrator specifies. SOPEC reserves the right to select a limited number (a "short list") of Respondents to make an oral presentation of their qualifications, proposed services, and capabilities. SOPEC will notify in writing the Respondents selected for oral presentations.
- 9.2 Public Records. Under the laws of the State of Ohio, all parts of a Proposal, other than trade secrets or proprietary information and the fee proposal, may be considered a public record which, if properly requested, SOPEC must make available to the requester for inspection and copying. Therefore, to protect trade secret or proprietary information, the Respondent shall clearly mark each page – but only that page – of its Proposal that contains that information. SOPEC will notify the Respondent if such information in its Proposal is requested, but cannot, however, guarantee confidentiality of any proprietary or otherwise sensitive information in or with the Proposal. Blanket marking of the entire Proposal as "Proprietary" or "Trade Secret" will not protect an entire Proposal and is not acceptable.

## **10.0 Contract Execution**

- 10.1 Effectiveness of Proposal. By submission of a Proposal, the Respondent agrees that its Proposal will remain effective and eligible for acceptance by SOPEC until the earlier of the execution of a final contract or 60 calendar days after the Proposal submission deadline (the "Proposal Expiration Date").
- 10.2 Execution of a Contract. The Respondent shall, within ten (10) business days after receipt of a contract prepared by the Athens County Prosecutor's Office, exclusive of Saturdays, Sundays and holidays, execute and return the contract to SOPEC together with all evidence of proper insurance and intent to conform to all requirements of the contract attached hereto or which are part hereof and all applicable federal, state and local laws and ordinances prior to or at the time of execution of the contract.

## **11.0 Responsibility for Proposal**

- 11.1 Familiarity with RFP. By submission of a Proposal, the Respondent acknowledges that it is aware of and understands all requirements, provisions, and conditions in and of this RFP and that its failure to become familiar with all the requirements, provisions, conditions, and information either in this RFP or disseminated either at a pre-proposal conference, if any, or by addendum issued prior to the Proposal submission deadline, and all circumstances and conditions affecting performance of the services to be rendered by the successful Respondent will not relieve it from responsibility for all parts of its Proposal and, if selected for contract, its complete performance of the contract in compliance with its terms. Respondent acknowledges that SOPEC has no responsibility for any conclusions or interpretations made by Respondent on the basis of information made available by SOPEC. SOPEC does not guarantee the accuracy of any information provided and Respondent expressly waives any right to a claim against SOPEC arising from or based on any incorrect, inaccurate, or incomplete information or information not otherwise conforming to represented or actual conditions.
- 11.2 Interpretation. SOPEC is not responsible for any explanation, clarification, interpretation, representation or approval made concerning this RFP or a Proposal or given in any manner, except by written addendum. SOPEC will mail, email, or otherwise deliver one copy of each addendum issued, if any, to each individual or firm that requested and received an RFP. Any addendum is a part of and incorporated in this RFP as fully as if originally written herein.

## **12.0 Qualifications**

- 12.1 Experience. Each Respondent should state its qualifications and experience in detail and describe specifically how its background and services support the requirements and goals expressed in this RFP. Respondents should describe organizational capacity to provide aggregation services, what aggregation services have been provided over the past five (5) years, disputes or suits that have arisen related to the provision of these services, and three (3) or more references that can speak to your company's capacity to meet the requirements and goals of this RFP.
- 12.2 Certifications. Respondents must be certified by the PUCO to provide the CRES services that Respondent is proposing and shall submit their CRES certification number with the

Proposal. Respondents must also submit copies of any other authorizations required by any other authorities to provide the service described in the Proposal.

- 12.3 Creditworthiness. Respondent must meet the credit requirements of the State of Ohio, American Electric Power and SOPEC. Provide evidence of your company's corporate credit rating from a recognized credit rating agency such as Moody's or Standard and Poor's or other evidence of creditworthiness. Respondents may be required to provide financial assurances in the form of a bond, letter of credit, parental guarantee, or other instrument to be specified by SOPEC.
- 12.4 Insurance. The selected Respondent, at its expense, shall at all times during the term of the contract resulting from this RFP, maintain the following insurance coverage. The insurance company or companies providing the required insurance shall be authorized by the Ohio Department of Insurance to do business in Ohio and rated "A" or above by A.M. Best Company or the equivalent. The selected Respondent, as contractor, shall provide a copy of the policy or policies and any necessary endorsements, or a substitute for them satisfactory to and approved by the Athens County Prosecutor's Office, evidencing the required insurance upon execution of the contract.
- i. Professional liability insurance with limits of not less than \$1,000,000.00 for each occurrence and subject to a deductible for each occurrence of not more than \$25,000 per occurrence and in the aggregate, and if not written on an occurrence basis, shall be maintained for not less than two (2) years after satisfactory completion and written acceptance of the services under the contract.
  - ii. Workers' compensation and employer's liability insurance as provided under the laws of the State of Ohio.
  - iii. Statutory unemployment insurance protection for all of its employees.
  - iv. Such other insurance coverage as SOPEC may reasonably require.

### **13.0 Proposal Contents**

- 13.1 Cover Letter. The cover letter shall identify and introduce the Respondent and provide other general information about Respondent's business organization including all Respondent's contact information, federal ID number, and state of incorporation. If the Respondent is not an Ohio corporation, evidence will be necessary prior to execution of a contract to show that Respondent is qualified to do business in the State of Ohio. Respondent should also list corporate officers and corporate board members. If the firm is a sole proprietorship or partnership or if the Respondent is a joint venture, pertinent information related to the proprietor or partners or principal officers of the joint venture should be provided.

- 13.2 Executive Summary. The Executive Summary should provide a complete and concise summary of Respondent's qualifications, rates and ability to meet the requirements and goals outlined in the RFP.
- 13.3 Organization. As stated previously, responses should correspond to the organization of the RFP and should be numbered to directly respond to specific sections of the RFP.
- 13.4 Financial Information. Prior to execution of a contract, Respondents will be required to provide its balance sheet and income statements for the last two (2) fiscal years, prepared in accordance with generally accepted accounting principles, reflecting the current financial condition of the Respondent. If a publicly held corporation, the Respondent shall instead provide consolidated financial statements as submitted to the Securities and Exchange Commission (SEC) on Form 10K, the most recent Form 10Q, and any Forms 8K filed with the SEC in the last 12 months. Owners of closely-held corporations must submit personal financial statements, current to within 6 months of the Proposal date.

#### **14.0 Proposal Evaluation and Selection Criteria**

- 14.1 Evaluation Methodology. SOPEC will evaluate all proposals, which were submitted on or before the submission deadline and reserves the right to request formal presentations or a "best and final offer" from Respondents as part of this process.
- 14.2 Scoring of Proposals. SOPEC will score each Proposal based on Respondent's ability to meet SOPEC's aggregation goals and program requirements:
- i. Providing lower cost energy for consumers
  - ii. Securing clean and sustainable energy sources as a significant portion of SOPEC's energy supply
  - iii. Producing investments in local projects of importance to the region's energy future
  - iv. Securing investments in local energy efficiency initiatives
  - v. Ensuring that suppliers provide quality, reliable service and first-rate customer service
  - vi. Advancing community economic and energy development goals.
- 14.3 Disqualification of Respondents. SOPEC wishes to encourage suppliers to respond to this RFP, however SOPEC will not be obligated to accept significant deviations from the work or services sought through the RFP, including terms inconsistent with or substantially varying from the services or the financial and operational requirements of the RFP, as determined solely by SOPEC. SOPEC reserves the right to reject any Proposal that does not furnish or is unresponsive to the information required or requested by this

RFP. SOPEC reserves the right to reject any Proposal or to waive or to accept any deviation from this RFP or in any step of the Proposal submission or evaluation process so as to approve the award of the contract considered in SOPEC's best interest, as determined by the sole discretion of SOPEC.

Respondents are encouraged to submit only one Proposal, which includes all alternatives Respondent wishes to propose to SOPEC. However, SOPEC will also accept Proposals from different firms or combinations of firms if Respondents feel that is the best way of achieving the objectives set forth in the RFP. SOPEC may reject one or more Proposals if it has reason to believe that Respondents have colluded to conceal the interest of one or more parties in a Proposal, and will not consider a future Proposal from a participant to such a collusion. SOPEC will also not accept a Proposal from or approve a contract with any Respondent that is in default as surety or otherwise upon an obligation to any member jurisdictions of SOPEC or has failed to perform faithfully any previous agreement with SOPEC member jurisdictions, or is currently in default under any agreement with SOPEC member jurisdictions.

SOPEC reserves the right to reject any or all Proposals. Failure by a Respondent to respond thoroughly and completely to all information and document requests in this RFP may result in rejection of its Proposal. Further, SOPEC reserves the right to independently investigate the financial status, qualifications, experience, and performance history of a Respondent.

SOPEC expressly reserves the right to cancel the approval award, with or without cause, at any time up to and before its execution of a contract.

**SAMPLE INTENT TO PROPOSE LETTER**

Roger Wilkens  
Aggregation Administration Consultant  
94B Columbus Road  
Athens, Ohio 45701

Date \_\_\_\_\_

Re: SOPEC Electric Aggregation Supply and Program Services RFP

Dear Mr. Wilkens:

It is the intention of \_\_\_\_\_ to submit a proposal responding to SOPEC's RFP for electric aggregation supply and program services. We accept all terms, conditions, and proposal guidelines. We do/do not intend to attend the optional Pre-proposal conference on August 4th at 1 p.m. \_\_\_\_ number of persons will be attending.

Our proposal will be submitted on or before the deadline of August 22, 2014 at 5 p.m.

Representative/Contact:

Signature

Name and Title

Street Address

City/State/Zip

Phone #

Fax #

Email

Web Address