

Community Renewable Energy Agency

In care of Millcreek

3330 South 1300 East
Millcreek, UT 84106

Request for Proposals/Qualifications

Attorney Specializing in Energy and Utility Matters

October 5, 2021, at 5:00 p.m. local time

1. **Introduction.** Millcreek (the “City”) is requesting proposals (“Proposals” or “Responses”) for and on behalf of the Community Renewable Energy Agency (“Agency”) for an attorney specializing in energy and utility matters. The Agency was created pursuant to Utah Code Ann. § 54-17-901 et seq. and is known as the “Community Renewable Energy Act” (“Act”). The Act authorizes a community renewable energy program (“Program”) to propose in an application (“Application”) to be filed by Rocky Mountain Power, an unincorporated division of PacifiCorp, an Oregon Corporation (referred to herein as “RMP”) for approval by the Utah Public Service Commission (“Commission”). Upon Commission approval of the Program, RMP will be authorized to provide electric service from one or more “renewable energy resources” as defined by the Act to end-use customers within the participating communities who participate in the program (“Participating Customers”). Participating communities as of the date hereof includes Grand County, Summit County, Town of Alta, Town of Castle Valley, Cottonwood Heights, Francis City, City of Holladay, Kearns, Moab City, Millcreek, Ogden City, Park City, Salt Lake City, and Town of Springdale (collectively the “Parties”). Each of the Parties have adopted a resolution that establishes a goal of a net 100% renewable energy supply for that community by 2030. The Act contemplates as supplemented by Rules promulgated by the Commission that the Parties adopt a governance agreement (which created the Agency) and enter into an agreement with RMP which must provide, among other things, for (i) the payment by the Parties of the costs associated with third-party expertise contracted by the Utah Division of Public Utilities and the Utah Office of Consumer Services to assist with activities associated with the initial approval of the Program, (ii) payment by the Parties of the costs of providing certain notices required by the Act, (iii) determination of the obligations for payment of any termination charges associated with the Program that are not paid by Participating Customers and not included in Commission-approved utility rates for the Program to be paid by Participating Customers (“Program Rates”), (iv) identification of any proposed replacement assets, and (v) proposed plans addressing low-income programs and assistance

1.1. **Intent.** It is the intent of this Request for Proposals (this “Request”) to set forth the minimum acceptable requirements for Responses to this request.

2. **Detailed Description of Services.** The Agency is seeking legal representation for the Agency with respect to the Program. As an accommodation the City for and on behalf of the Agency is soliciting Proposal from an attorney(s) specializing in energy and utility matters to provide the services as more fully described in the attached exhibit “A” (collectively the “Services”). It is anticipated that the successful Proposer will work with the Program Design Committee which was created by the Agency to among other things to work on program design matters with RMP and submit reports and recommendations to the Board for such matters as a utility agreement, rate design, projected program rates, the process for periodic rate adjustments,

the proposed solicitation process, projected program rates, and the program application to be filed with the Commission.

3. **Proposal Requirements.** Two (2) written copies and an electronic copy in PDF (Portable Document Format) of the Proposal are required to be submitted to John Brems as listed below, no later than 5:00 p.m. local time on October 5, 2021. Any response, modification, or amendment received after the due date and time is considered late. No late response, modification, or amendment will be accepted. No electronic Responses will be accepted. Proposals must include the following elements and be signed by an authorized representative of the Proposer:

3.1. **Introductory Letter.** An introductory letter expressing an interest in providing the Services should be included. The introductory letter should be addressed to:

John Brems
Millcreek City Hall
3330 South 1300 East
Millcreek, UT 84106

Include an e-mail address for the primary contact of the Consultant.

3.2. **Qualifications.** In no more than three pages, describe, in detail, the Proposer experience in providing the Services and as described in the attached exhibit "A".

3.3. **Cost.** Provide a detailed fee/rate schedule to complete the Project that includes any and all costs the Proposer may incur, including any costs for transportation, lodging, communication, printing, etc.

3.4. **References.** Include the name, address, and contact person of at least three clients with which the Proposer has provided legal representation for administrative or energy type services. The Program Design Committee or City may contact such references.

4. **Identification of Anticipated Potential Problems.** Proposals should identify and describe any potential problems with respect to providing the Services.

5. **Evaluation Criteria and Scoring Process.** All Proposals received will be reviewed, scored, and tallied by the Program Design Committee as they shall determine. Each evaluation criterion has been given a percentage based on its relative value. The criteria and each associated percentage are as follows:

- Qualifications (50%)
- Cost (30%)
- References (20%)

6. **Selection.** Discussions may be conducted with Proposers determined by the Program Design Committee to be reasonably likely of being selected for the award. In addition, one or more Proposers may be invited to interview, provided; however, Proposals may be accepted without discussion or interview. The Program Design Committee will make its recommendation to the Agency and the Agency will make the award.

7. **General Information.** City for and on behalf of the Agency reserves the right to reject any and all Responses. The City for and on behalf of the Agency reserves the right to amend, modify or waive any requirement set forth in this Request. Response to this Request is at the Proposer's sole risk and expense. All Proposers must comply with applicable federal, state, and local laws and regulations. Except for written responses provided by the contact person described below, the Agency has not authorized anyone to make any representations regarding the subject matter of this Request. All requests for clarification or additional information regarding this Request must be submitted in writing to the contact person described below no later than September 30, 2021, at 5:00 p.m. The contact person will endeavor to respond to such request for clarification or additional information and if the contact person deems, in his/her sole and absolute discretion, that such response is of general applicability, his/her response, if any, will be posted on the City's website for and on behalf of the Agency at Millcreek.us (which constitutes a written response). Entities responding to this Request are encouraged to review such website frequently. The Agency intends to select one or more of the responding Proposers, but there is no guarantee that any responding Proposer will be selected. Responses will be placed in the public domain and become public records subject to examination and review by any interested parties in accordance with the Government Record Access Management Act (Utah Code Ann. § 63G-2-101, *et seq.*). All materials submitted in response to this Request will become the property of the Agency and will be managed by the Agency in accordance with the Government Record Access Management Act.

8. **Terms of Contract.** The successful Proposer will be required to enter into a contract with the Agency to provide the Services. If the selected Proposer and the City Attorney for and on behalf of the Agency are unable to negotiate an acceptable agreement, then another Proposer(s) will be selected by the Agency Board and negotiation will continue with such other Proposer(s) until an acceptable agreement is completed.

9. **Contact Person.** For more information on the Proposal, contact John Brems john@bremslaw.com 3330 South 1300 East, Millcreek, UT 84106 or for American with Disabilities Act (ADA) accommodation, contact Kurt Hansen, Director of Legislative Policy and Code, khansen@millcreek.us, 3330 South 1300 East, Millcreek, UT 84106.

Exhibit A

Scope of Work

Represent the Agency as requested from time to time by the Agency, including negotiations and regulatory proceedings regarding the development of the Program, subject to program development requirements. Work with the Program Design Committee to develop negotiation strategy and draft language pertaining to the required utility agreement, program application, and related matters. Advise on technical analyses to support negotiation positions. Attend regular Program Design Committee meetings and negotiation meetings with other parties and stakeholders, including but not limited to, RMP, the Utah Office of Consumer Services, and the Utah Division of Public Utilities. Advise the Agency on Program Design Committee recommendations regarding the utility agreement and the program application.

Qualifications

- Established administrative law practice in the State of Utah, preference for energy-focused law practice in the State of Utah, with regular representation in dockets before administrative agencies, with preference for representation before the Utah Public Service Commission and at least 5 years of related experience
- Prior experience working with technical or environmental consultants, with a preference for experience working with energy analytical consultants
- One year minimum engagement sought, with preference for a multi-year engagement