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TOM GROSSMANN
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21-1039

July 27, 2021

APPROVE AND AUTHORIZE COUNTY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH EITHER ENGIE OR IGS ENERGY FOR ELECTRIC GENERATION TO VARIOUS FACILITIES WITHIN THE WARREN COUNTY WATER AND SEWER DEPARTMENT, VARIOUS FACILITIES WITHIN THE WARREN COUNTY PARK DISTRICT, VARIOUS FACILITIES WITHIN WARREN COUNTY TELECOMMUNICATIONS, AND VARIOUS SERVICES WITH THE WARREN COUNTY ENGINEER'S OFFICE

WHEREAS, pursuant to Resolution 04-13 adopted, November 20, 2013 the Warren County Park Board authorized the Warren County Board of Commissioners to act on behalf of the Warren County Park District to enter into a contract for Electric Generation Service at Parks within Warren County; and

WHEREAS, proposals were received for electric generation at various facilities within the Warren County Water and Sewer Department, Warren County Park District, Warren County Telecommunications and Warren County Engineer's Office; and

WHEREAS, pursuant to Phase one of the Request for Proposals, two proposers, Engie and IGS Energy, were selected to negotiate a Master Electric Service Agreement (MESA); and

WHEREAS, a MESA has been developed with both Engie and IGS Energy; and

WHEREAS, pursuant to Phase two of the Request for Proposals, refreshed pricing will be requested of both proposers and the lowest and best pricing will be selected; and

WHEREAS, Duke Energy and AES Ohio (formerly Dayton Power & Light Company) provides billing services for both Engie and IGS Energy and Purchase Orders 21000822, 21000753, 21000821 and 21000752 have previously been approved to Duke Energy and AES Ohio; and

NOW THEREFORE BE IT RESOLVED, to approve and authorize the County Administrator to enter into an agreement with either Engie or IGS Energy for electric generation; copy of said agreement attached hereto and made a part hereof.

Mrs. Jones moved for adoption of the foregoing resolution being seconded by Mr. Grossmann. Upon call of the roll, the following vote resulted:

Mr. Young – yea
Mr. Grossmann – yea
Mrs. Jones – yea

Resolution adopted this 27th day of July 2021.

BOARD OF COUNTY COMMISSIONERS

Tina Osborne, Clerk

mbz

cc: c/a—Engie
c/a—IGS Energy
Water/Sewer (file)

Telecommunications (file)
Park District (file)
Engineer's Office (file)

REQUEST FOR PROPOSAL

Securing a Source of Electric Generation for Warren County Facilities

Issued by

THE WARREN COUNTY BOARD OF COMMISSIONERS

LEBANON, OHIO 45036

July 11th, 2021

RFP # 4

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SECTION I - PROPOSAL DOCUMENTS

1.0 OVERVIEW

The Warren County Board of County Commissioners is accepting sealed proposals for Electric supply to be provided for County Facilities, including the following departments in the Duke Energy Ohio service area:

- Water and Wastewater approx. 74 accounts and 16 million kWh/yr.
- Engineer approx. 12 accounts and 310,000 kWh/yr.
- Parks and Recreation approx. 4 accounts and 150,000 kWh/yr.
- Commerce approx. 9 accounts and 350,000 kWh/yr.

The County's total load is estimated to be approximately 5,000 kW and 18 million kWh annually spread among 118 accounts with approximately 19 accounts in the AES Ohio (DP&L) service area and representing approximately 1,300,000 kWh/yr. The County currently takes generation service from Engie and is served under Utility Primary, Secondary, and Lighting rates. The County has a behind-the-meter, 275.6 kW DC solar array which will generate approximately 400 AC MWh/yr. It is located at 1267 OH-741, Lebanon, OH 45036, and specific GPS coordinates of its location are 39.45555268174066, -84.28602367622092 . Currently, the County is soliciting offers for electric supply for one-, two- and three-year terms. The purpose of this RFP is to select a Proposer who can best meet the requirements of the RFP at the lowest cost for the specified terms. The Proposer selected from this RFP process shall provide the electric service, as defined hereafter using a supply source that meets the specific needs of the County Facilities. The details of the services needed are further defined in Section 4 of this RFP.

1.1 Project Schedule

Date of Advertisement and Issuance	Sunday, July 11, 2021
Bidder Registration Deadline - 4:00 PM EDT	Friday, July 16, 2021
RFP, Contract Questions & Comments Due by 10:30 AM EDT	Monday, July 19, 2021
Written Answers Sent Out to All Potential Bidders by 4:00 PM EDT	Thursday, July 22, 2021
RFP Due Date - 11:00 AM EDT	Monday, July 26, 2021
Notify Top Proposers and Begin Contract Negotiations	Monday, August 2, 2021
Finalize Contract Negotiations and Request Final Executable Pricing	Friday, August 6, 2021
Request Rate Refresh of Top Bidders (As required)	Monday, August 9, 2021
Energy Delivery Date (September, 2021 meter read)	First available meter read date on/after Aug 30, 2021 or as appropriate on each account

1.2 Issuing Officer

The RFP, the evaluation of responses, and the award of any resultant contract shall be made in conformance with current County proposal procedures.

The Issuing Officer's mailing address for sending a proposal, asking questions regarding the proposal process, technical issues, or the Scope of Service is:

Chris Wojnicz
Deputy Director
Warren County Water & Sewer Dept
406 Justice Drive
Lebanon, Ohio 45036

The Issuing Officer's email address is:

christopher.wojnicz@co.warren.oh.us

All questions for clarification regarding this RFP must be presented in writing and emailed to the Issuing Officer's consultant at:

pprobst@lykinsenergyadvisors.com

1.3 Proposer's Qualification, Registration Process and Communication

Proposer must currently be a registered Certified Retail Electric Supplier (i.e., a supplier that has been certified by the Public Utilities Commission of Ohio) who has been approved to serve customers within the Duke Energy Ohio and AES

Ohio service areas in Warren County, Ohio.

Proposer Registration

The integrity of the request for proposal process is very important to Warren County public officials, the residents of Warren County, and the Proposers as well as providers that participate in the process in good faith. Behavior by Proposers that violates or attempt to manipulate the competitive proposal process in any way will not be tolerated. Proposers are alerted not to make any changes in the RFP Specifications and RFP Documents unless those come by way of Addendum. **All Proposers who plan to submit a response to the RFP must register with the Issuing Officer's Consultant, identified in Section 1.2**, by emailing them the name of their company, contact person, address, phone number and fax number. Upon registration, a signed Letter of Authorization, account list, and pricing sheet will be provided to the registered Proposer. Moreover, Proposers are advised that any questions and answers must be submitted in writing and will be answered in writing by Addendum. Addenda will be emailed to all Proposers who have registered.

Aside from submitting proposals for an award, contact with Warren County concerning this RFP shall be by email only.

If the Proposer attempts any unauthorized communication with individuals associated with this project or RFP, Warren County may disqualify the Proposer's proposal. The definition of individuals associated with this project is further defined as:

- A. Public officials
- B. Warren County Environmental Services employees and their staff
- C. Issuing Officer
- D. Individuals/consultants involved with the RFP / evaluation process

Examples of unauthorized communication include:

- A. Telephone calls to project personnel other than the Issuing Officer.
- B. Letters, faxes regarding the project or its evaluation prior to the award made to anyone other than the Issuing Officer.
- C. Visits in person or through a third party attempting to obtain information not publicly available regarding the RFP.
- D. Emails to project personnel other than the Issuing Officer, or their Consultant

Communications being emailed regarding the RFP process, technical aspects or Scope of Service are to be sent to the Issuing Officer's Consultant whose address

is listed in Section 1.2. All questions must be submitted by the date and time listed in the Project Schedule. No questions shall be accepted after the deadline listed in the Project Schedule. Only Proposers who register for the RFP will receive copies of all questions and answers in the form of Addenda.

1.4 Proposer Disclosures

Proposer must provide a disclosure of any pending or threatened court actions and/or claims against the Proposer, parent company or subsidiaries. This information will not necessarily be cause for rejection of the response; however, withholding the information may be cause to reject the response.

1.5 Proposer Examination of the RFP

Proposers shall carefully examine and acquaint themselves with the entire RFP, any Addenda, all related materials, and data referenced in the RFP, and shall become fully aware of the nature of the request and the requirements of the requested services. Proposers who discover what is believed to be any ambiguity, conflict, discrepancy, omission, or other error in this RFP should immediately notify the Issuing Officer's Consultant of such error by email and request clarification or modification of the document. Modifications shall be made by Addenda issued pursuant to Section 1.6. Clarification shall be given by Addenda emailed to all parties who registered, without divulging the source of the request.

If a Proposer fails to notify County prior to the date listed in the Project Schedule of an error in the RFP known to the Proposer, or of an error that reasonably should have been known to the Proposer but no clarification is sought, the Proposer shall submit its proposal at the Proposer's own risk, and if awarded the contract, the Proposer shall not be entitled to additional compensation or time by reason of the error or its later correction.

1.6 Addenda to RFP

Any addenda to this RFP will be issued by the County Issuing Officer or their Consultant, by email to all Proposers that have registered using the procedure previously mentioned in Section 1.3 of the RFP. Proposers are strongly encouraged to ascertain the full intent and scope of this RFP. Proposers are encouraged to submit questions, comments, and concerns in writing to County for clarification regarding this RFP. All questions must be submitted by the deadline for questions listed in the Project Schedule above. Errors, omissions, and discrepancies should be submitted as early as possible so Addenda may be

issued for clarification to all Proposers.

1.7 Structure of RFP

This RFP is comprised of two phases as indicated below and dated in the project schedule.

Phase 1 – Pricing and Electric Service Agreement - This phase shall consist of the County negotiating and entering into a Master Electric Service Agreement (MESA) with one or more Proposers. The county will also obtain initial executable pricing from Proposers. MESA negotiations shall follow the timeframe listed in the Project Schedule. Depending on the initial pricing provided by Proposers, a transaction confirmation with one or more Proposers may be executed. Each account will only be served by one Proposer.

For clarity- If Warren County is able to reach an agreement with one or more Proposers and complete a contract within a timely manner, it is possible that Phase 2 will not be necessary. Therefore, each Proposer is encouraged to provide their best price and contract terms upon its submission.

Phase 2 – Refreshed Pricing and Transaction Confirmation - Once a final Master Agreement is developed with one or more Proposers, the County may request a refreshed price from the selected Proposers that have executed a MESA with the County. If refreshed pricing is requested, the County may enter into one or more transaction confirmations with one or more Proposers.

RFPs will not be opened publicly but will be made available to public requests after Warren County has entered into one or more agreements for electric service, which includes both the MESA and any associated transaction confirmation(s).

2.0 SUBMISSION OF PROPOSAL

2.1 Preparation of Proposal

Proposals must provide a straightforward, concise delineation of qualifications, capabilities, and experience to satisfy the requirements of the RFP. Expensive binding, colored displays, promotional materials, etc. are not necessary or desired. Proposers need to focus on conformance to the RFP instructions, responsiveness to the RFP requirements, completeness, and clarity of content. The Proposer's response proposal must include all costs that relate to the requests for solutions submitted. Proposers responding to the RFP must complete all forms and attachments. Submissions by Proposers that are materially incomplete will be rejected. All proposals submitted shall become the property of Warren County to use or, at its option, return. All proposed and associated documents will be considered to be public information and will be open for inspection to interested parties under the Ohio Open Records Law unless an

exception thereto is applicable. In order to ensure fair and impartial evaluation, proposals and any documents or other records related to a subsequent negotiation for a final contract that would otherwise be available for public inspection and copying under section 149.43 of the Revised Code shall not be available until after the award of the contract.

2.2 Proposal Cost

The cost of developing proposals is entirely the responsibility of the Proposer and shall not be chargeable to County under any circumstances.

2.3 False or Misleading Statements

Proposals which contain false or misleading statements, or which provide references that do not truthfully support a complete, accurate, and current attribute or condition of the Proposer, may be rejected. If, in the opinion of County, Proposer information was intended to mislead County in its evaluation of the proposal with respect to a material attribute, condition, statement, or capability that is a requirement of the RFP, will cause the proposal to be rejected. Proposers who mislead County by providing demonstrations with products features or services that are not included in their proposal will have their proposal rejected.

2.4 Proposer Representative's Signature

An individual who is authorized to bind the Proposer contractually shall sign the proposal. The signature must indicate the title or position the individual holds in the firm. Firms, which sign contracts with the name of the firm, must provide the name of a corporate officer for signature validation by County. Any and all unsigned proposals will be rejected.

2.5 Delivery of Proposals

Proposers must mail or deliver one (1) original, two (2) duplicates of the entire written proposal, and one (1) electronic version on a USB drive to the Issuing Officer at the address listed above with those documents arriving no later than the date and time listed in the Project Schedule with time to be judged according to the clock in the Commissioners' office. In addition, Proposers are requested to e-mail their proposal to the Issuing Officer, and their Consultant identified herein. All proposals must reference the RFP number given on the cover page. Upon request, a receipt will be issued for all proposals received. RFPs received after the deadline will not be considered. No telegraphic, facsimile, or telephone proposals will be accepted. If mailed, the Proposer should use certified or registered mail, UPS, or Federal Express with return receipt requested that will also show a time delivered if the Proposer wishes to assure itself of a timely delivery on the final proposal date. Proposals shall be sent to:

Chris Wojnicz
Deputy Director
Warren County Water & Sewer Dept

It is absolutely essential that Proposers carefully review all elements in their submitted proposal. Once opened, a proposal cannot be altered; however, the County reserves the right to request information for clarification purposes only.

2.6 Acceptance and Rejection of Proposals

Warren County reserves the right to:

- Award a proposal received based on individual items, or on the entire list of items as defined in this RFP.
- Reject any or all proposals, or any part thereof.
- Waive any informality in the proposals that does not create a competitive advantage over other Proposers.
- Eliminate conditions or terms that are not in the best interest of County and its residents as defined in this RFP.

The decision of the Warren County Board of County Commissioners shall be final. The waiver of an immaterial defect shall in no way modify the RFP documents or excuse the Proposer from full compliance with its specifications if the Proposer is awarded the contract.

2.7 Evaluation and Award of Contract

The proposals will be evaluated as follows:

Stage 1: Preliminary Proposal Review Submitted proposals shall be reviewed to ensure that the proposal materials adhere to the minimum requirements (and mandatory conditions) specified in the RFP and the completion of all the required forms. Proposals which successfully complete the first stage will be deemed "Responsive." Those which do not will be deemed "Non-Responsive" and will not be further reviewed for a possible contract award. Partial submissions or proposals submitted after the designated deadline will be determined to be non-responsive and will be disqualified.

Responsive proposals to the RFP must meet the following requirements in order to proceed to Stage 2 of the Evaluation Process:

1. Timely Submission - The proposal is received at the address and time designated in the RFP and in the Project Schedule according to instructions. Proposals mailed but not received at the designated location by the specified date will be deemed "Non-Responsive" and will not be considered.
2. Completeness of Submission- proposal submission must include at minimum:
 - a. Timely submission of the proposal
 - b. Required number of copies

- c. All Sections shall be included
- d. All designated attachments

PROPOSALS WHICH DO NOT MEET ALL OF THE ABOVE FIRST STAGE REVIEW SUBMISSION REQUIREMENTS WILL BE DEEMED NON-RESPONSIVE AND WILL NOT BE REVIEWED FOR STAGE 2.

Stage 2: Evaluation

All Responsive proposals will be reviewed and evaluated. At any time during the review Warren County may request additional information from the Proposer. Such information requests and Proposer's responses must be in writing. Information requests will follow the timeline in the Project Schedule.

All information obtained may be used in conjunction with the data from Stages 1 and 2 to make a final selection. The evaluation will include the following factors with the relative weight indicated numerically below:

- Lowest overall cost to the County – 30 points;
- Ability to meet County requirements – 20 points;
- Overall responsiveness, viability, and completeness of the proposal – 5 points;
- Customer references – 5 points;
- Completeness of all forms – 5 points;
- Experience with a similar project of comparable size and scope – 10 points;
- Company history and financial position – 10 points;
- Personnel qualifications – 5 points;
- Distinguishing characteristics – 5 points;
- Any other facts considered relevant by County and demonstrated by the proposal or investigation by County – 5 points.

2.8 Proposal Selection

The fact that one or more Proposers submit a proposal does not guarantee that a contract will be awarded. The Board of Warren County Commissioners reserves the right to reject all proposals and not make an award based upon them. The selection process includes:

- 1 All proposals will be evaluated by a delegated evaluation team and in accordance with section 2.7 Evaluation and Award of Contract. The proposals shall be ranked based on the criteria in the RFP.

The evaluation team will present the ranking to the Board of County Commissioners and request authorization to enter into contract negotiations with the Proposer ranked most advantageous.

- 2 If the County and the Proposer can successfully negotiate the contract document details, the proposal evaluation team will recommend the award of the contract to the Board of County Commissioners who has the final authority to award and execute a contract if it is determined to be in the best interest of the County.
- 3 If County determines that the County and the Proposer are unable to successfully come to terms regarding the contract, County will terminate contract discussions and enter negotiations with the Proposer ranked the next most advantageous to the County.
- 4 The County may cancel or reissue a request for proposals if any of the following apply: (a) the supplies or services offered through all of the proposals submitted to the County are not in compliance with the requirements, specifications, and terms and conditions set forth in the request for proposals; (b) the prices submitted by the offerors are excessive compared to existing market conditions or exceed the available funds of the contracting authority; or, (c) the County determines that an award of a contract would not be in the best interest of the county.

3.0 TERMS AND CONDITIONS The contents of the proposal and the commitments set forth in the selected proposals shall be considered contractual obligations if a contract is awarded. Failure to accept these obligations may result in cancellation of the award.

3.1 Type of Contract

The evaluation of proposals submitted in response to this RFP may result in the issuance of a contract. The contract shall incorporate the terms, conditions and requirements of the RFP, the Proposer's proposal, and all other agreements that may be reached. The desired contract structure is one under which the Proposer provides electric supply for County and is solely responsible for the execution of the Electric Master Agreement and related transaction confirmations, and the contract requirements as stated in the RFP.

The terms and conditions set forth in the successful Proposer's proposal, this RFP, and other applicable addenda will become part of the final contract and will merge into the MESA.

3.2 Contract Period

The contract for service (transaction confirmation) will be written for a period of up to three years (Initial Term).

3.3 Patent or Copyright Liabilities

The Proposer will protect, defend, and hold free and harmless Warren County, its officers, employees, agents, and Board of County Commissioners against all

claims that any of the designs supplied hereunder infringes a U.S. patent or copyright. The Proposer will pay all resulting costs, damages, and attorney's fees to defend County against such claims. Warren County will promptly notify the Proposer in writing of all claims, and the Proposer will have control of the defense and all related settlement negotiations. If such claim has occurred, or is likely to occur, County agrees to permit the Proposer, at Proposer's option and expense, either to procure for County the right to continue using the designs or programming or to replace or modify the same so that they become non-infringing but still meet the requirements of the RFP.

3.4 Confidentiality and Security

Any Proposer or contractor engaging in any service for County requiring them to come into contact with confidential County information will be required to hold confidential such data made available to them.

3.5 Warren County Employees

The Successful Proposer warrants that, for one (1) calendar year from the end date of the Electric Master Agreement with County for this project, the Proposer will not solicit County employees to work for the Proposer.

4.0 REQUIREMENTS & SPECIFICATIONS

County is requesting proposals for electric generation service for County owned and occupied facilities in the account list supplied to Registered Proposers. Warren County is currently being served by Engie through Duke Energy Ohio and AES Ohio.

The County will supply Attachment A - Account List (supplied to Proposers registered with the County) with the following information for each account: Pricing Group, Account Number, EDC, Street Address, and Estimated Annual Load.

The County will supply a letter authorizing only current Certified Suppliers in the Duke Energy Ohio and AES Ohio Service Territories access to County's electrical load information.

4.1 Electric Supply and Services RFP Requirements

The supply and services requested herein are mandatory elements to which all Proposers must respond.

Warren County seeks a competitive electric power supply prices and structures for an initial period of 12, 24, and 36 months, beginning with the first available meter read dates on or after August 30, 2021 (September, 2021 meter cycle/group 1). While Warren County prefers a single CRES to provide the services described herein, Warren County may choose to negotiate a MESA with more than one CRES, and may enter into one or more transaction confirmations

with multiple CRESs. At no time will more than one supplier service a single account.

Warren County is seeking prices and or structures for the various Pricing Groups which follow. All fixed prices are to be stated as \$/MWh. Warren County requests that Proposers provide one or more of the following pricing options:

Warren County Facilities (including Commerce accounts) - Separated by EDC
(Pricing Groups 1 & 2)

- 1) Fixed price all-inclusive
- 2) Fixed price (X-cap) with Capacity costs as pass-through

Warren County Water and Wastewater (Pricing Groups 3 & 8)

Non-Interval account meters (Pricing Group 3)

- 1) Fixed price all-inclusive
- 2) Fixed price (X-cap) with Capacity costs as pass-through

Interval Metered accounts for index pricing (Pricing Group 8)

- 1) Load-following Block and Day-Ahead Index energy plus all other components priced individually (capacity, ancillaries, ISO fees, alternate and renewable energy requirements, losses, taxes, other adders, etc.) as a pass-through with no additional mark-up, and supplier's margin clearly identified as a separate line item
- 2) Fixed price (X-cap) with Capacity costs as pass-through
- 3) Fixed price all inclusive

Warren County Engineer's Office (Pricing Group 4)

- 1) Fixed price all inclusive
- 2) Fixed price (X-cap) with Capacity costs as pass-through

Warren County Parks District (Pricing Group 5)

- 1) Fixed price all inclusive
- 2) Fixed price (X-cap) with Capacity costs as pass-through

The Proposals submitted should define the best offer for performing the Services described in this RFP and the Master Service Agreement. All pricing must remain valid and executable until 5:00 PM EDT of the due date. In addition, all refreshed pricing, if requested, must be executable and valid for 24 hours.

Please provide pricing by filling out or modifying as needed, the spreadsheet supplied as Attachment B, titled BID SHEET FOR REQUESTED PRICING STRUCTURES.

Note that pricing does not need to be submitted for all structures listed above, however, for index type products that have a part A and Part B, pricing must be included for each part.

Under the index options listed herein, Warren County will work with the CRES to develop a load schedule to be submitted, should the County choose such product offering. Please identify any supplier adder/margin to be applied to the load as measured by Duke Energy Ohio. Under this scenario, please provide a listing of all ISO pricing components and identify the estimated cost of the various components individually. Failure to provide the details requested may be cause to reject Proposer's bid.

4.2 PASS-THROUGH CHARGES

It is necessary that the County obtain clarity on all price components, The Proposer must review the following items and include a response in their RFP.

Please describe how the County interval meter index loads will be charged and credited for the following pass-through charges:

LOSSES – Describe how you charge County for losses. If your loss calculation differs from the tariff, please explain the difference in detail.

CAPACITY – Describe how you will calculate County's capacity requirement and charges.

RPS CHARGES – Specifically, please explain how the County will be charged. If you have a set rate for RPS, please identify the rate.

ANCILLARY CHARGES - Describe how you will calculate the County's ancillary charges.

ISO FEES - Describe how you will calculate the County's ISO fees.

TAXES – Describe any taxes that are included in your fees and how these are calculated.

CALCULATIONS – For all pass-through costs that are not based on the County's specific load: please provide specifics on how these charges will be allocated.

When providing fixed full requirement pricing, the county is aware of the recent PUCO rule of "Fixed means Fixed" and thus suppliers may call this product some type of Firm Priced product. Be sure to include exactly what components are included in this pricing and which one(s) may be included outside of this pricing.

4.3 OTHER FEATURES

Please comment as to whether and how your company will offer the following value-added features. Unless specifically stated to the contrary, the items in this section are not firmly required, but represent significant value-added features the County will consider in choosing a CRES.

- a. Fixed price full requirements rates shall be clearly stated in \$/MWh for the associated term.
- b. Index rates or fixed rates shall be clearly stated in \$/MWh. For any pass-through charges that are not in a \$/MWh rate, Proposer shall clearly state the dollar amount and any calculations that shall apply.
- c. Rates reflecting a term of 12-, 24-, and 36-months, starting with the first available meter read in/after September, 2021 and extending through the September, 2022, September 2023, and September 2024 meter reading cycle, respectively.
- d. Clear accounting for all accounts on block and index rates. Any adders/pass-through charges shall be clearly stated on a line-by-line basis.
- e. County prefers, and reserves the right to require utility combined billing (**UCB**) for all supplier charges including index, fixed, and fixed X-Cap accounts.
- f. Ability for DM and smaller DS (less than 100,000 KWH annually) fixed price accounts to be added and removed at contracted rates, simply by a confirmation executed by County.
- g. Any exceptions to the terms and conditions stated in the RFP or subsequent forms. Failure to do so shall infer that you have accepted the terms as-is.

4.4 Mandatory Element: Electric Supply

The Proposer assumes all risk and responsibility for providing an unlimited supply of electricity to the Delivery Point without regard to Warren County's scheduled usage per the Electric Service and Transaction Agreement.

5.0 PROPOSAL FORMAT

To expedite and simplify the process for evaluating proposals, and to assure each proposal receives the same orderly review, it is required that all proposals be submitted in the format as described in this section. Proposals must contain all the elements of information specified without exception:

Executive Summary of Company, Required Forms, Customer References, Personnel Qualifications, Distinguishing Characteristics

5.1 RFP Response Form

The RFP Form must be filled out in its entirety. Proposals submitted with escalations, footnotes indicating changes or negotiations in price will be disqualified.

"Unallowable" project costs include bad debt, bonding costs, contingencies, contributions or donations, entertainment costs, fines and penalties, interest and other financial costs, losses on other contracts, costs related to legal and other proceedings, goodwill, costs of alcoholic beverages, asset valuations resulting from business combinations, legislative lobbying costs and costs incurred prior to the commencement of the agreement which will be the result of this proposal process.

5.2 Executive Summary

Provide the following information relative to the company on your own paper and include:

Location of Company

Provide the address for the company's headquarters or name of the Proposer's local office nearest Warren County, Ohio. Include a contact name, address, email, and phone number for contact for this proposal.

Proposer's Primary Business

State the company's primary line of business, the date established, the

number of years of relevant experience, and the number of employees.

Company History

Provide a brief history of Proposer's organization. State briefly the programmatic and administrative experience qualifying the Proposer to perform the proposed services. Include the Proposer's mission statement, philosophy of service and any special qualifications.

5.3 Required Forms

Standard Warren County Required RFP Forms must be filled out in their entirety and included in this section. The required forms are in Section II of this document.

5.4 Customer References

The Proposer must list at least three (3) references* for whom products/services were sold/provided similar in nature and functionality to those requested by Warren County. These references should be from other government entities. Each reference must be accompanied by:

Company name, address, phone number and email of contact person, nature of relationship, service performed, period of contract.

* If references cannot be provided, explain why.

5.5 Personnel Qualifications

The Proposer shall list its personnel qualifications that are particularly suited for this proposal (e.g., years of experience, size of accounts, similar history with this account type, etc.), which may be reviewed by the County. These qualifications may go beyond the scope of this project if the Proposer deems they would provide value to the long-term goals of Warren County.

5.6 Distinguishing Characteristics

The Proposer is encouraged to identify their distinguishing characteristics, which may be reviewed by the County. These characteristics may be beyond the scope of this project if the Proposer deems they would provide value to the long-term goals of Warren County.

5.7 Other Features

The Proposer is encouraged to identify and discuss the items from section 4.3, Other Features, which their company will offer.

5.8 Pricing

The Proposer is required to submit pricing on Attachment B, Bid Sheet, in \$/MWh.

Attachment A – Account List

An account list will be provided to each Proposer who registers with the County.

Attachment B – Pricing Sheet

Attachment B - Warren County Electric Pricing Sheet													
BID SHEET FOR REQUESTED PRICING STRUCTURES													
Fixed/Firm All Inclusive Pricing Group	Pricing Group	Utility Rate Class(es)_	Total/All In-clusive 12-mo. Bid	Total/All In-clusive 24-mo. Bid	Total/All In-clusive 36-mo. Bid	Number of Accounts	Estimated Annual kWh Usage	Capacity	Other (describe)	12-mo. Energy	Cal '22 Energy	Cal '23 Energy	Other Detail (describe)
County - DEOK	1	DM				9	355,000						
County - AES Ohio	2	45/797/717/737				19	1,300,000						
Water and Wastewater	3	DM/DS				62	2,394,000						
Engineer's Office	4	UOLS/TL/OL/DM				12	310,000						
Parks District	5	DP/DM/SL				4	150,000						
Water and Wastewater	8	DS/DP				12	13,713,000						
Estimated 12 month pass-through costs													
Capacity Pass-Through Pricing Group	Pricing Group	Utility Rate Class(es)	Total X-Cap 12-mo. Bid	Total X-Cap 24-mo. Bid	Total X-Cap 36-mo. Bid	Number of Accounts	Estimated Annual kWh Usage	Capacity	Other (describe)	12-mo. Energy	Cal '22 Energy	Cal '23 Energy	Other Detail (describe)
County - (DEOK)	1	DM				9	355,000						
County - (AES Ohio)	2	45/797/717/737				19	1,300,000						
Water and Wastewater	3	DM/DS				62	2,394,000						
Engineer's Office	4	UOLS/TL/OL/DM				12	310,000						
Parks District	5	DP/DM/SL				4	150,000						
Water and Wastewater	8	DS/DP				12	13,713,000						
Block and Index Pricing Group	Pricing Group	Utility Rate Class(es)	Supplier Margin	PJM Pricing Node	DA Settlement: (Y/N)	Number of Accounts	Estimated Annual kWh Usage	12-mo. Energy	Cal '22 Energy	Cal '23 Energy	Other Detail (describe)		
Water and Wastewater	8	DS/DP				12	13,713,000						
Estimated 12 month pass-through costs (each stated in \$/MWh)													
Water and Wastewater	8	Capacity	Ancillaries	ISO Fees	RPS	Losses	Taxes	Other (describe)					

SECTION II - FORMS

GOVERNMENT BUSINESS AND FUNDING CONTRACTS

In accordance with section 2909.33 of the Ohio Revised Code

DECLARATION REGARDING MATERIAL ASSISTANCE/NONASSISTANCE TO A TERRORIST ORGANIZATION

This form serves as a declaration of the provision of material assistance to a terrorist organization or organization that supports terrorism as identified by the U.S. Department of State Terrorist Exclusion List (see the Ohio Homeland Security Division website for a reference copy of the Terrorist Exclusion List).

Any answer of "yes" to any question, or the failure to answer "no" to any question on this declaration shall serve as a disclosure that material assistance to an organization identified on the U.S. Department of State Terrorist Exclusion List has been provided. Failure to disclose the provision of material assistance to such an organization or knowingly making false statements regarding material assistance to such an organization is a felony of the fifth degree.

For the purposes of this declaration, "material support or resources" means currency, payment instruments, other financial securities, funds, transfer of funds, and financial services that are in excess of one hundred dollars, as well as communications, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.

LAST NAME		FIRST NAME		MIDDLE INITIAL	
HOME ADDRESS					
CITY		STATE		ZIP	COUNTY
HOME PHONE			WORK PHONE		

COMPLETE THIS SECTION ONLY IF YOU

ARE A COMPANY, BUSINESS OR ORGANIZATION

BUSINESS/ORGANIZATION NAME					
BUSINESS ADDRESS					
CITY		STATE		ZIP	COUNTY
PHONE NUMBER					

DECLARATION IN accordance with division (A)(2)(

b) of section 2909.32 of the Ohio Revised Code

For each question, indicate either "yes" or "no" in the space provided. Responses must be truthful to the best of your knowledge.

1. Are you a member of an organization on the U.S. Department of State Terrorist Exclusion List? YES NO
2. Have you used any position of prominence you have with any country to persuade others to support an organization on the U.S. Department of State Terrorist Exclusion List? YES NO
3. Have you knowingly solicited funds or other things of value for an organization on the U.S. Department of State Terrorist Exclusion List? YES NO

4. Have you solicited any individual for membership in an organization on the U.S. Department of State Terrorist Exclusion List?

YES NO

5. Have you committed an act that you know, or reasonably should have known, affords "material support or resources" to an organization on the U.S. Department of State Terrorist Exclusion List?

YES NO

2 Have you hired or compensated a person you knew to be a member of an organization on the U.S. Department of State Terrorist Exclusion List, or a person you knew to be engaged in planning, assisting, or carrying out an act of terrorism? YES NO

In the event of a denial of a government contract or government funding due to a positive indication that material assistance has been provided to a terrorist organization, or an organization that supports terrorism as identified by the U.S. Department of State Terrorist Exclusion List, a review of the denial may be requested. The request must be sent to the Ohio Department of Public Safety's Division of Homeland Security. The request forms and instructions for filing can be found on the Ohio Homeland Security Division website.

CERTIFICATION I hereby certify that the answers I have made to all of the questions on this declaration are true to the best of my knowledge. I understand that if this declaration is not completed in its entirety, it will not be processed and I will be automatically disqualified. I understand that I am responsible for the correctness of this declaration. I understand that failure to disclose the provision of material assistance to an organization identified on the U.S. Department of State Terrorist Exclusion List, or knowingly making false statements regarding material assistance to such an organization is a felony of the fifth degree. I understand that any answer of "yes" to any question, or the failure to answer "no" to any question on this declaration shall serve as a disclosure that material assistance to an organization identified on the U.S. Department of State Terrorist Exclusion List has been provided by myself or my organization. If I am signing this on behalf of a company, business or organization, I hereby acknowledge that I have the authority to make this certification on behalf of the company, business or organization referenced on page 1 of this declaration.

Signature _____ Date _____

AFFIDAVIT OF NON COLLUSION

STATE OF _____
COUNTY OF _____

I, _____, holding the title and position of _____ at the firm _____, affirm that I am authorized to speak on behalf of the company, board directors and owners in setting the price on the contract, bid or proposal. I understand that any misstatements in the following information will be treated as fraudulent concealment of true facts on the submission of the contract, bid or proposal.

I hereby swear and depose that the following statements are true and factual to the best of my knowledge:

The contract, bid or proposal is genuine and not made on the behalf of any other person, company or client, INCLUDING ANY MEMBER OF THE WARREN COUNTY BOARD OF COMMISSIONERS.

The price of the contract, bid or proposal was determined independent of outside consultation and was not influenced by other companies, clients or contractors, INCLUDING ANY MEMBER OF THE WARREN COUNTY BOARD OF COMMISSIONERS.

No companies, clients or contractors, INCLUDING ANY MEMBER OF THE WARREN COUNTY BOARD OF COMMISSIONERS have been solicited to propose a fake contract, bid or proposal for comparative purposes.

No companies, clients or contractors, INCLUDING ANY MEMBER OF THE WARREN COUNTY BOARD OF COMMISSIONERS have been solicited to refrain from bidding or to submit any form of noncompetitive bidding.

Relative to sealed bids, the price of the bid or proposal has not been disclosed to any client, company or contractor, INCLUDING ANY MEMBER OF THE WARREN COUNTY BOARD OF COMMISSIONERS, and will not be disclosed until the formal bid/proposal opening date.

AFFIANT

Subscribed and sworn to before me this _____ day of _____ 20 _____

(Notary Public),

_____ County.

My commission expires _____ 20 _____



BOARD OF COUNTY COMMISSIONERS

WARREN COUNTY, OHIO

406 Justice Drive, Lebanon, Ohio 45036

www.co.warren.oh.us

commissioners@co.warren.oh.us

Telephone (513) 695-1250

Facsimile (513) 695-2054

TOM GROSSMANN
SHANNON JONES
DAVID G. YOUNG

REQUEST FOR PROPOSALS

REQUEST FOR PROPOSALS FOR SECURING A SOURCE OF ELECTRIC GENERATION FOR WARREN COUNTY FACILITIES.

Sealed proposals for Securing a Source of Electric Generation for Warren County Facilities will be received by the Warren County Water and Sewer Department, Warren County, Ohio, 406 Justice Drive, Lebanon, Ohio, 45036, until 11:00 a.m., July 26, 2021.

Electric supply to be provided for County Facilities, including the following departments in the Duke Energy service area:

- Water and Wastewater approx. 75 accounts and 16 million kWh/yr.
- Engineer approx. 12 accounts and 320,000 kWh/yr.
- Parks and Recreation approx. 4 accounts and 140,000 kWh/yr.
- Commerce approx. 9 accounts and 350,000 kWh/yr.

The County's total load is estimated to be 5,000 kW and approximately 18 million kWh annually spread among 119 accounts with approximately 19 accounts in the Dayton Power & Light (DP&L) service area and representing approximately 1,300,000 kWh/yr. The County currently takes generation service from Engie and is served under utility Primary, Secondary, and Lighting rates. Currently, the County is soliciting offers for electric supply for two- and three-year terms. The purpose of this RFP is to select a Supplier who can best meet the requirements of the RFP at the lowest cost for the specified terms. The Supplier selected from this RFP process shall provide the electric service, as defined hereafter using a supply source that meets the specific needs of the County Facilities.

Documents and specifications are available online at the Warren County Website at <https://www.co.warren.oh.us/commissioners/Bids/>. Questions regarding the proposal should be directed to Chris Wojnicz, at (513) 695-1646 or email at christopher.wojnicz@co.warren.oh.us.

This notice is posted on the Warren County website www.co.warren.oh.us/commissioners/Bids. To access project information, click on the project you wish to obtain information about. Please contact the Warren County Commissioners' Office at (513) 695-1250 if you have trouble with this procedure or if you need additional information on accessing project information on our website.

The Board of Warren County Commissioners reserves the right to reject all proposals.

By order of the Board of County Commissioners, Warren County, Ohio.

Tina Osborne, Clerk