



**Public Service Co. of New Mexico**

**Request for Proposals**

**for**

**Renewable Energy Resources or**

**Renewable Energy Certificates (RECs)**

**RFP Issued: January 13, 2016**

**Proposals Due: February 25, 2016**

**More information can be found at:**

**[www.pnm.com](http://www.pnm.com)**

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**Purpose and Scope**

Public Service Company of New Mexico (“PNM” or the “Company”) issues this Request for Proposals (“RFP”) for Renewable Energy Certificates (“RECs”) and accompanying Renewable Electric Energy or for RECs without accompanying energy (“RECs-only”). PNM is looking for renewable energy resources that will be cost-effective additions to PNM’s integrated system portfolio, which includes traditional generation, demand-side management and renewable sources. Acquisition of RECs will enable PNM to continue to comply with New Mexico’s Renewable Portfolio Standard (“RPS”). PNM is seeking to purchase renewable energy and associated RECs from one or more qualified Respondents up to 50 MWs of generating capacity. PNM seeks to acquire energy and associated RECs from sources of renewable energy that are eligible to meet PNM’s renewable energy requirements. PNM will consider offers for asset purchases, design-build-transfer (“turnkey”) projects, or purchased power agreements (“PPA”) projects in addition to RECs-only bids.

On December 16, 2015, the New Mexico Public Regulation Commission (“NMPRC” or “Commission”) issued a Final Order in NMPRC Case #13-00390-UT, which directs PNM to issue this RFP for renewable energy resources of up to 50 MW and to evaluate the cost-effectiveness of such resources to meet overall PNM system operational needs. Accordingly, PNM will consider renewable energy resource proposals submitted in response to this RFP in light of both the Company’s operational power needs and potential cost savings.

PNM’s future system needs are affected by the decision in NMPRC Case #13-00390-UT regarding the retirement of two coal-fired generating units at SJGS and the grant of Certificates of Convenience and Necessity (“CCN”) for replacement generation. Information regarding the SJGS decision can be found at the PNM web site via this link:

<http://www.powerforprogress.com/>

***Communication***

All inquiries and other communications relating in any manner to this RFP will be hosted on the PNM January 2016 Renewable Energy RFP web site (“RFP Web Site”). The site is administered

by Power Advocate, Inc. To register for the RFP at the Power Advocate site, please follow this link:

<https://www.poweradvocate.com/pR.do?okey=56307&pubEvent=true>

This link to the Power Advocate site and a description of the RFP are also available at this PNM website

<http://www.pnm.com/rfp>

PNM makes no commitment to respond to other communications received via telephone, FAX, text messaging or other media. Additionally, bidders shall not rely on any oral representation or oral modification made by the Renewable RFP Administrator or someone other than the Renewable RFP Administrator. In order to preserve transparency in the process and to assure that all persons or entities responding to this RFP (each a “Respondent”) receive equal consideration, bidders shall not contact any PNM employees or agents of the Company in regard to this RFP – all communications are to be conducted through the RFP Web Site.

### ***Background***

PNM is a wholly owned subsidiary of PNM Resources, Inc. (NYSE: PNM) based in Albuquerque, N.M., with total utility operating revenues of \$1.1 billion in 2014. The Company provides retail electric service to a large area of north central New Mexico, including the cities of Albuquerque, Santa Fe, Rio Rancho, Las Vegas, Belen and Bernalillo. The Company also provides retail electric service to Deming, Ruidoso, Alamogordo, Lordsburg, Silver City and Bayard in southwestern New Mexico and to Clayton in northeastern New Mexico.

The Final Order in NMPRC Case #13-00390-UT, specifies that the electric generation resources covered in this RFP be renewable energy resources as defined under Commission Rules. In 2004, the New Mexico Legislature enacted the Renewable Energy Act (“REA”), which established the RPS. The New Mexico Public Regulation Commission (“NMPRC” or “Commission”) adopted 17.9.572 NMAC (“Rule 572”) to carry out the REA. A copy of the current rule is available at the RFP Web Site. Final execution of any purchase contract by PNM for any Proposal under this RFP is contingent on, among other things, NMPRC approval of the contract terms and conditions.

As defined in Rule 572:

“**renewable energy**” is electric energy that

- (1) is generated by use of low- or zero-emissions generation technology with substantial long-term production potential; and
- (2) is generated by use of renewable energy resources that may include:
  - (a) solar, wind, hydropower and geothermal resources;
  - (b) fuel cells that are not fossil fueled; and
  - (c) biomass resources, such as agriculture or animal waste, small diameter timber, salt cedar and other phreatophyte or woody vegetation removed from river basins or watersheds in New Mexico, landfill gas and anaerobic digestion waste biomass; but
- (3) does not include electric energy generated by use of fossil fuel or nuclear energy.

“**renewable energy certificate**” or “**REC**” means a document evidencing that the enumerated renewable energy kilowatt-hours have been generated from a renewable energy generating facility and shall represent all of the environmental attributes associated with the generation of renewable energy.

Please note that the REA requires that renewable energy used for RPS compliance must be contracted for delivery in New Mexico or be consumed or generated by an end-use customer in New Mexico. Rule 572 requires that all RECs used for RPS compliance must be registered in the Western Renewable Energy Generation Information System (“WREGIS”). RECs may be transferred independently of the associated energy generated by the eligible renewable energy facility. Proposals for sale of these RECs, without a concurrent sale of energy, are referred to as “RECs-only” bids in this RFP. PNM anticipates a need for additional renewable energy to meet the increase in the RPS by 2020 and for 2015 “true-up” RECs. The bids collected under this request for proposals will be evaluated against these needs in addition to the requirements of the NMPRC Case #13-00390-UT.

***Eligible Proposals***

The following types of proposals are eligible for this RFP:

- a) Offers for purchase of a renewable energy asset (all or a portion of a renewable generation asset), existing or to be constructed, located in New Mexico or contracted for delivery of energy in New Mexico;
- b) Offers for renewable energy to be sold under a purchased power agreement, from a generating unit located in or with capability to deliver to PNM's system in either southern or northern New Mexico; and
- c) Offers for purchase of RECs-only from a generating facility located in New Mexico or one that delivers energy to New Mexico.

Eligible proposals must meet the following guidelines to be considered for evaluation:

- All Proposals must be submitted in accordance with the instructions of this RFP.
- Proposals can be for all or a portion of the 50 MW limit. Wind and solar projects must supply the minimum annual equivalent of renewable energy of at least 100 MWhs or the equivalent in RECs. RECs-only bids or energy qualifying as "other" (non-wind, non-solar) have no minimum size requirement for consideration.
- For all proposals, the generating facility must be registered or will have to be registered in WREGIS and its monthly generation reported to WREGIS, with RECs certified by WREGIS and transferable via WREGIS.
- Proposals for asset purchases of existing resources are eligible.
- The NMPRC approval process is expected to extend through 2016 or later. Therefore, PNM likely will not be authorized to take energy prior to 2017.
- Proposals that culminate in a successful project are required to obtain appropriate North American Electric Reliability Corporation ("NERC") registration for all applicable NERC functions and must operate equipment within applicable NERC Standards.
- Proposals must comply with all applicable federal, state and local laws.
- Proposals and pricing must remain valid and binding through at least December 31, 2016 with the date of expiration explicitly stated in the Proposal.

**RFP Process**

***Communication***

PNM will prepare written responses to questions received and will post the responses (without identification of the party asking the questions) on the RFP Web Site for all Respondents who submit a Notice of Intent to Bid. All questions must be submitted via the RFP Web Site.

***Schedule***

The RFP process will proceed in accordance with the following schedule:

Projected RFP Calendar	Date
RFP Issued	Wednesday, January 13, 2016
Optional Pre-Bid Conference	Friday, January 22, 2016
Notice of Intent to Bid Due	Monday, January 25, 2016
Questions from Suppliers are due no later than:	Friday, February 19, 2016
RFP Response Due	Thursday, February 25, 2016
PNM Bid Evaluation Complete (Phase I)	Friday, March 18, 2016
Successful Short-List Respondents Notification	Friday, March 25, 2016

PNM reserves the right to revise, suspend, or terminate this RFP Process and any schedule related thereto at its sole discretion without liability to Respondents or any other person or entity. Also, PNM at its sole discretion may decide to not accept any proposal submitted in this RFP. Communications regarding the status of this RFP Process, including any and all changes and addenda to this RFP or attendant schedules, will be made via the RFP Web Site.

***Pre-Bid Conference and Notice of Intent to Respond***

PNM will host a pre-bid conference further detailing information requested in the RFP. A webinar will be available and preliminary details will be provided at the PNM RFP Web Site for those parties who cannot attend. Please check the PNM RFP Web Site for any schedule changes or updates. Interested parties and bidders are encouraged to attend or listen online and bring any

questions regarding clarification. Your RSVP will be required to assure adequate space and building access security for participants. (RSVP to [RenewableRFP@pnmresources.com](mailto:RenewableRFP@pnmresources.com) )

**Date:** Friday, January 22, 2016  
**Time:** 1:00 PM – 3:00 PM, Mountain Time  
**Where:** PNM Headquarters Building  
414 Silver Ave. SW  
Albuquerque, N.M., 87102  
**Webinar Details:** To be posted at RFP Bid Site

**Notice of Intent to Respond:** In order to identify persons or entities interested in submitting a Proposal, and for those persons or entities to receive any subsequent information distributed in the proposal process, interested parties should submit via the PNM RFP Web Site a *Notice of Intent to Respond* on or before **4:00 P.M. Mountain Time on Monday, January 25, 2016**. The form can be downloaded at the RFP Bid Site.

<https://www.poweradvocate.com/pR.do?okey=56307&pubEvent=true>

### ***Subcontracting Plan and Safety***

#### **Small business subcontracting plans**

Any contractor, classified as large business, receiving an award exceeding Six Hundred Fifty Thousand Dollars (\$650,000) must agree in the contract that small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns have the maximum practicable opportunity to participate. Please note that the Prompt Payment Act (for above referenced small business concerns) requires timely payment of amounts due pursuant to the terms of their subcontracts.

Contractor shall comply with all the requirements of FAR 52.219-9(d)(9) entitled “Utilization of Small Business Concerns And Small Disadvantaged Business Concerns.” Contractor shall: (i) cooperate in any studies or surveys as may be required by PNM or the government; (ii) submit



periodic reports as requested by PNM providing information regarding its use of small disadvantaged businesses; and any requirements in addition thereto.

Contractors who are finalists of this RFP will be required to provide a subcontracting plan. A sample of subcontracting plan has been attached to this RFQ package, each subcontracting plan must include:

1. Separate percentage goals for various small business concerns listed above.
2. Statement of the total dollars planned to be subcontracted and a statement of the total dollars planned to be subcontracted to small business concerns.
3. Description of the principal types of supplies and services to be subcontracted and identify the types planned for subcontracting to small business concerns.
4. Description of the method used to identify potential sources.
5. Statement as to whether or not the Offeror included indirect costs in establishing subcontracting plan.
6. The name of an individual employed by the Offeror who will administer the Offeror's subcontracting program.
7. Description of efforts the Offeror will make to ensure that small business concerns have an equitable opportunity to compete.

### **Contractor safety prequalification program**

PNM has implemented a Contractor Prequalification process as part of our effort to continuously improve in the areas of health, safety, risk, and finance. Contractors who are finalists of this RFP may be required to register with PICS auditing so that PNM can review their safety records prior to final award of the contract. PNM will notify all finalists and allow time for the registration process.

### **Contractual terms and conditions**

Commercial terms and conditions will be negotiated with the Contractors who are finalists of this RFP. All Proposals shall represent a firm offer to contract on the terms and conditions. Each representation of fact and promise of future performance within a Proposal will be incorporated into the agreement as a warranty or covenant. Any statement of fact or promise of future

performance that is not intended by the Contractor as a warranty or covenant should be clearly identified.

### **Proposal Content**

#### ***Renewable Resource Needs***

On December 16, 2015, the Commission issued a Final Order in NMPRC Case #13-00390-UT, which directs PNM to issue this RFP for renewable energy resources of up to 50 MW. PNM will consider renewable energy resource proposals submitted in this RFP based on cost-effectiveness as system resources. PNM will evaluate proposals as to their cost-effectiveness in light of the Company's operational need for reliable power, potential cost savings, and the potential need to meet future RPS compliance requirements under the New Mexico Renewable Energy Act.

Rule 572 sets an RPS requirement for renewable energy or RECs at 15% of PNM's retail sales, rising to 20% of retail sales beginning in 2020. This figure is subject to some adjustment for certain exemptions and limitations on cost impacts on customers. The precise amount of renewable energy credits needed is dependent on several factors. These include PNM's sales, customer rate levels, renewables costs and the actual production levels that PNM renewable generating plants will produce each year. Because of the variability of year-to-year production and PNM's projected future RPS requirements, PNM will also consider RECs-only bids. For example, 2015 was a year of low wind generation in New Mexico. As a result of this and other factors, PNM is also seeking to purchase RECs as a "true-up" to match 2015 RECs to the RPS requirement. For this purpose, PNM will consider RECs with a vintage as early as 2013. However, PNM makes no commitment to accept proposals that are not cost-effective system resources. Final execution of any purchase contract by PNM for any Proposal under this RFP is contingent on, among other things, NMPRC approval of the contract terms and conditions.

#### ***Renewable Resource Diversity***

Rule 572 sets renewable energy diversity targets as part of PNM's RPS. Currently, PNM is to comprise at least 20% of its renewable energy sourcing from solar energy resources, 30% from wind resources, 3% from renewable distributed generation and 5% from "other" resources,

meaning renewable resources other than wind and solar. PNM expects to meet the diversity requirements with the Company's portfolio of current resources. PNM currently has wind resources in excess of the diversity requirement for wind of 30% and distributed generation resources in excess of its diversity requirement of 3%, and expects to have sufficient solar and "other" resources to meet those diversity requirements. As provided in the Final Order and Stipulation, this RFP is an "all-source" solicitation for proposals of any type of qualifying renewable resources. Qualifying energy or RECs from any renewable type can be used to fulfill the overall renewable procurement requirement.

The table below summarizes the RPS requirements as provided in Rule 572.

	<u>Overall Renewable</u>	<u>Diversity (Min % of Renewables)</u>			
		<u>Wind</u>	<u>Solar</u>	<u>Other</u>	<u>Distrib Gen</u>
2015	15.0%	30.0%	20.0%	5.0%	3.0%
2016	15.0%	30.0%	20.0%	5.0%	3.0%
2017	15.0%	30.0%	20.0%	5.0%	3.0%
2018	15.0%	30.0%	20.0%	5.0%	3.0%
2019	15.0%	30.0%	20.0%	5.0%	3.0%
2020	20.0%	30.0%	20.0%	5.0%	3.0%

### ***Pricing***

All pricing must be in terms of nominal US dollars in the year to be incurred. Prices and costs should include all costs to deliver energy and any costs associated with compliance with Rule 572, including WREGIS compliance costs and WRECIS registration and transfer fees. If bidding a starting price that escalates out over future years, the escalation must be explicitly stated and must not include adjustments occurring more than once annually. Bids tied to an inflation rate or other indexing will not be considered. Bid pricing should remain valid through December 31, 2016.

### ***Wind PPA Proposals – Operational & Dispatch Flexibility and Pricing Structure***

PNM's experience with wind energy production has shown that at current levels of wind capacity, wind production can give rise to system reliability issues. System operations can therefore be challenged by integration of wind production. PNM will evaluate new wind resource proposals with respect to their capabilities for operational flexibility and system

reliability capability such as Automated Generator Control (AGC), Fast Frequency Response (FFR), curtailment optionality or other reliability tools. PNM will also examine any contract limitations or pricing penalties in PPA proposals associated with operational flexibility, minimum take obligations or maintenance outage scheduling. PNM has a clear preference for wind resources with these operational/reliability advantages over wind resources without those. Those advantages may offset considerable pricing differentials between bids.

***Solar Photovoltaic Energy Facilities -- PNM-Designated Sites***

PNM has obtained site control for locations suitable for installation of solar energy facilities. Information on those sites is contained in documents available at the RFP Bid Site. Respondents may submit proposals for new facilities to be built on these PNM-designated sites, or for existing solar facilities, or for new solar facilities on sites other than these designated sites. Proposals for solar facilities on other sites must reflect and specify costs associated with interconnection and delivery to PNM's system. The PNM-designated solar sites can accommodate up to 10 MW AC of capacity. On these sites only, PNM will be responsible for site development including land acquisition, surface grading, site development permitting and interconnection. PNM will not consider PPA proposals on the PNM-designated sites.

***Transmission***

PNM has determined transmission costs for the PNM-designated solar sites and PNM will evaluate those costs for solar project bids proposed for those sites. For all other sites, including wind and "other" category projects, expected transmission interconnection and delivery will be the financial and logistical responsibility of the Respondent. Transmission costs relating to system upgrades and interconnection should be identified and explicitly broken out in the Respondent's Proposal. The schedule for transmission service procurement should also be identified in Respondent's Proposals. Transmission wheeling charges, if any, to deliver capacity to the PNM system, must be incorporated in the evaluation of the Proposal. This applies to wind, other and solar projects at sites other than the PNM-designated solar sites.

For the PNM-designated solar sites, all interconnection agreements under the Small Generator Interconnection Procedures ("SGIP") of the PNM Open Access Transmission Tariff ("OATT") are complete. For these sites, PNM is accepting proposals for facilities of 10 MW or less in size.

Any site may be subject to a reduction in size or relocation, due to developments affecting factors such as environmental, political, cultural, cost, safety or other issues. All interconnections will be made to PNM's distribution system at distribution voltage.

***“Other” Category Resources***

PNM may have a specific need for additional “other” (non-wind, non-solar) energy/RECs in order to meet the diversity requirements of the RPS. The amount of “other” RECs needed will be dependent on a number of factors. These include PNM retail sales levels and the amount of production by PNM's existing geothermal resource. Resources in the “other” category may therefore be given some additional consideration in comparison to wind and solar projects.

***Bid Submission Fee***

A non-refundable RFP submission fee of \$1,000.00 per project will accompany the Proposal in order to qualify the Proposal(s) for consideration. RECs-only bids from an existing renewable energy facility do not require a submission fee. For purposes of this RFP, multiple options at a project site can be considered a single bid and will only incur one fee, provided the options do not differ in technology or location. At PNM's determination, proposals with minor differences in attributes such as financing, pricing structure, commercial operation date, size or contract term can be considered variations of a single bid. Projects at multiple locations or with multiple resource technologies will be considered multiple bids and a submission fee is required for each bid. The fee may be paid by certified check made out to “Public Service Company of New Mexico”. Payment via ACH is also accepted; payment instructions are posted at the RFP web site.

Mail bid fees to:

**Public Service Company of New Mexico  
Attn: Integrated Resource Planning Dept.  
Public Service Company of New Mexico  
Corporate Headquarters MS 1115  
Albuquerque, N.M., 87158**

***Bid Submission***

Respondents shall submit Proposals via PNM's RFP Bid Site. Instructions for submitting proposals are provided at the site. Complete Proposals, including all exhibits, forms, and fee, must be received on or before **4:00 p.m. (MST) on Thursday, February 25, 2016** via the RFP Bid Site.

All Proposals will become the property of PNM and will not be returned to the Respondent.

***Bid Forms – Information Requested***

All Respondents must submit as part of their Proposal completed RFP Form Sheets, which are part of the bid submittal process on the PNM Bid Site. All Proposals must include the information required in this RFP and Respondents should endeavor to provide complete responses.

PNM reserves the right to modify the terms and conditions of these forms or any attachments to this RFP.

***Submission and Information Forms***

Bid forms are located on the PNM Bid Site. Respondents should review each form to determine applicability to your bid. Forms are listed here for reference. Some responses will be entered on-line directly; others will be documents or data sheets to be uploaded. Respondents should not rely on this list for completeness, but should refer to the PNM Bid Site forms.

- Respondent Information Sheet (Sheet 1)
- Notice of Intent to Respond (Sheet 2)
- RFP Submission Certification (Sheet 3)
- Executive Summary (Form A)
- Project Description (Form B)
  - Site Selection
  - Equipment and Operational Control Capabilities
- Project Costs/Pricing (Form C)

- Transmission (Form D)
- Environmental and Fuel (Form E)
- Credit and Financial Assurance (Form F)
- Project Plan and Schedule (Form G)
- Project Resource Performance (Form H)

**Respondent Information Sheet (Sheet 1)**

This information sheet provides PNM with official contact information regarding your company and your bid. The data sheet is located under the “3. Commercial Data” tab on the RFP Bid Site.

**Notice of Intent to Respond (Sheet 2)**

PNM requires that Respondents provide advance notice that they intend to submit a bid proposal. This notice must be submitted through the “3. Commercial Data” tab on the RFP Bid Site.

**RFP Submission Certification (Sheet 3)**

Official submission of the final proposal must be accompanied by this certification sheet. PNM asks that the form be printed, filled out, signed and then a pdf format copy uploaded to the bid submittal section of the RFP Bid Site. The certification sheet is located under Tab 3 “Commercial Data” on the RFP Bid Site.

**Executive Summary (Form A)**

The executive summary should provide a description of the project including technology and location of the facility. The summary should address the type of commercial/financing structure (i.e. design-build-transfer or PPA arrangement) and an overview of the pricing structure. The summary should be in the form of a document or documents that will be uploaded at Tab “2. Upload Documents” on the RFP Bid Site. If multiple documents are uploaded, please identify a summary document as “Executive Summary”. Other documents might include site maps, transmission diagrams or photos and to facilitate easy review by PNM, these should be identified as clearly as possible.

**Project Description (Form B)**

This information identifies project location and provides descriptive information. It is important to respond to each question, even if that information has been provided elsewhere in the submittal. In particular, Respondents proposing solar photovoltaic projects must indicate the project site. PNM has identified certain sites for such development that meet PNM's criteria for interconnection. Solar projects at other locations are also welcomed, but Respondents must include costs and plan descriptions for interconnecting the facility to PNM's transmission/distribution system. The data sheet is located under Tab "3. Commercial Data" on the RFP Bid Site.

Included in the project description, should be description of the equipment to be provided, discussion of operational control capabilities and any conditions on the pricing or contract terms that would be affected by choices regarding equipment or operational controls. PNM is particularly interested in description of available wind project operational controls such as Automated Generator Control (AGC), Fast Frequency Response (FFR), curtailment optionality or other system reliability tools. Similarly, PNM is looking for discussion and evidence of equipment reliability and performance for all projects, but for solar equipment in particular.

**Project Costs/Pricing (Form C)**

Two data sheets are available for submitting pricing data. One is for turnkey (design-build-transfer) projects, the second is for sales of energy and/or RECs under a power purchase agreement. For turnkey projects, Respondents should provide an estimate of operating and maintenance costs, fuel expenses and any other costs expected to be incurred over the operating life of the facility. PPA projects should identify all energy, fixed and REC costs over the life of the agreement. If the bid provides options to PNM to include or decline certain features (e.g. with AGC versus without AGC), pricing differentials should be provided.

All pricing must be in terms of on-year US dollars and should include all costs to deliver energy and any costs associated with compliance with Rule 572, including WREGIS registration and transfer fees, if applicable. If bidding a first-year start price that escalates over future years, the escalation must be explicitly stated and must not include adjustments



occurring more than once annually. Bids indexed to an inflation rate or other indexing will be excluded. Bid pricing should remain valid through December 31, 2016. The data sheets are located under Tab “5. Pricing Data” on the RFP Bid Site.

For PPA proposals, PNM may require Respondents to provide certain information concerning the supplying entity. The information may be needed by PNM to fulfill its financial reporting requirements. The required information would consist of the information necessary, in PNM’s sole discretion, to enable PNM to determine if the supplying entity is considered a “variable interest entity” as defined under GAAP and if the supplying entity’s financial information is required to be consolidated in PNM’s financial statements. In addition, depending on the circumstances of the arrangements, the supplying entity may be required to provide its financial statements and other financial information to PNM on a monthly, quarterly, and annual basis within the timeframes PNM routinely closes its books and prepares its financial statements.

**Transmission (Form D)**

The Form D submittal should be in the form of a document or documents that will be uploaded at Tab “2. Upload Documents” on the RFP Bid Site. A Form D guide is included in Tab “1. Download Documents” section, which identifies information needed regarding transmission.

PNM has determined transmission costs for the PNM-designated solar sites and PNM will evaluate those costs for solar project bids proposed for those sites. For all other sites, expected transmission costs relating to system upgrades and interconnection should be explicitly broken out in the Respondent’s Proposal, and will be the financial and logistical responsibility of the Respondent. The schedule for transmission service procurement should also be identified in all Respondent’s Proposals. Transmission wheeling charges, if any, to deliver capacity to the PNM system, will be incorporated in the evaluation of the Proposal. This applies to wind, other and solar projects at sites other than the PNM-designated solar sites.

For facilities at locations other than the PNM-designated sites, energy delivery points for Northern New Mexico (“NNM”) proposals which are located within the Western Electricity Coordinating Council (“WECC”) central New Mexico Path 48 transmission boundary (“Path 48”) and interconnected directly to PNM are preferred. Energy delivery points for Southern New Mexico (“SNM”) proposals which are located within the WECC Path 47 transmission boundary are acceptable, but will be evaluated assuming additional wheeling costs for delivery to northern New Mexico loads. PNM will consider other delivery points on a case-by-case basis and will add applicable wheeling costs in the evaluation phase. Resources located outside of Path 48 may require replacement with load-side resources at times of transmission congestion, causing PNM to incur an energy penalty. This will be considered in the evaluation phase of the RFP. Transmission system maps which identify Path 47 and Path 48 can be found in Attachments at the end of this RFP.

**Environmental and Fuel (Form E)**

Information regarding environmental impacts and fuel use are to be submitted on a data sheet. This includes any emissions estimates associated with the project. The data sheets are located under Tab “4. Technical Data” on the RFP Bid Site.

The Respondent is responsible for meeting all required federal, state and local permits, licenses, approvals and variances that may be required to assure physical delivery of capacity and associated energy in accordance with their proposal for each site. Each proposal should discuss the following:

1. Describe project location, the merits of the selected site, and the proposed land rights. Respondents should provide copies or summaries of leases, easements, rights of way and/or other ownership documents that demonstrate that the Respondent has legal control of the proposed site.
- 2) Describe all state and federal permits approvals or consultation you anticipate obtaining for each site proposed related to water rights acquisition, water usage and storage, clean water act permits (Section 401, 402, 404 and others), risk management plans for hazardous chemicals including SARA reporting, migratory bird protection, endangered

- species review, cultural resource protection, air pollution new source review and construction permitting, Title V operating permits, and transportation permits.
- 3) Describe all local permits and approvals you anticipate obtaining for each site proposed including re-platting, rezoning, electric facility plan amendments, site development permits, special use permits and building permits.
  - 4) Describe your experience and compliance abilities for the anticipated permits and approvals mentioned in 2) and 3) and the resulting permitting compliance requirements.
  - 5) Describe all additional easements, access rights and land that will need to be acquired and the timing and risk associated with each.
  - 6) Describe your experience with developing and ability to develop an ungraded site and to minimize disturbance on such sites. Describe in detail any management processes or engineering designs you would implement to achieve that objective.
  - 7) Indicate to what extent your firm has developed and implemented an Environmental Management System.
  - 8) Describe methods for measurement and recording of emissions.
  - 9) Describe estimated air emissions from all project sources and proposed and optional engineering and process controls.
  - 10) For each generation combination of technology and fuel proposed provide a table detailing emission profiles as indicated required Form B; indicate if results are variable by elevation.
  - 11) Detail all hazardous and non-hazardous wastes (handling and disposal) used during construction, operation and maintenance.
  - 12) Water acquisition and usage including water conservation methods and gallons per MWh consumption rates.

**Credit and Financial Assurance (Form F)**

A Credit information data sheet is located under Tab “3. Commercial Data” on the RFP Bid Site. The Respondent must be able to satisfy PNM’s credit standards to ensure the Respondent has adequate financial capability. Execution of an agreement under this RFP is conditional upon full satisfaction of any PNM credit support requirements. PNM requires qualified Respondents to either have an investment grade rating (S&P BBB- or above; Moody’s Baa3 or above), or have sufficient equity security to cover Respondent’s

anticipated delivery obligations under any contract entered into as a result of this RFP process. The following items should be provided in each Respondent's proposal:

- Standard & Poor's or Moody's Credit Rating of Respondent or its parent company, if parent is providing financial support.
- Copies of audited financial statements for the last three fiscal years for Respondent or, if applicable, for the Credit Support Provider/Guarantor.

If Respondent is unable to satisfy the foregoing credit standards, Respondent may designate a Credit Support Provider/Guarantor, and if the Credit Support Provider/Guarantor is satisfactory to PNM, the Respondent shall be deemed to have satisfied PNM's credit standards. The quality of credit of the proposed Credit Support Provider/Guarantor will be evaluated under the same standards as that of the Respondent.

PNM requires Respondents to submit audited financial statements for the last three fiscal years for Respondent or, if applicable, for the Credit Support/Provider/Guarantor for credit scoring purposes. Respondents should either post copies of these statements or provide a link to a web site containing those financial statements.

Respondents should address any pending issues (regulatory, legal, environmental, technical or otherwise) with this proposed resource(s) that would affect the ability to impact the project schedule. PNM reserves the right to require additional credit standards and to review and evaluate the quality of credit of each Respondent and Credit Support Provider/Guarantor and to make adjustments, as necessary, in the application of the foregoing standards.

**Project Plan and Schedule (Form G)**

The Form G submittal should be in the form of a document or documents that will be uploaded at Tab "2. Upload Documents" on the RFP Bid Site. A Form G guide is included in the Tab "1. Download Documents" section, which describes information requested regarding the project construction/development plan. Also, to be included is a discussion of plans for stakeholder communications and stakeholder engagement. This should include a small business outreach discussion, reflecting efforts to be undertaken to support local,

small and women/minority-owned business participation in the renewable energy procurement process.

**Project Resource Performance (Form H)**

Information regarding generation output projections and other performance measures on a data sheet. This includes generating capacity, typical generation patterns by 24-hour cycle or seasonal cycles, maintenance outages and other production attributes of the project. The data sheets are located under Tab "4. Technical Data" on the RFP Bid Site.

***REC-Only Proposals***

A bid submittal for RECs without a sale to PNM of associated energy must also provide information requested in these forms. This is to assure the RECs are WREGIS qualified. For RECs that have been produced and registered in the past, Form A (demonstration/warranty of registration) and Form C (pricing) must be submitted. For RECs-only proposals offering RECs that will be generated in future years, all forms must be completed so that PNM may be able to assess project viability.

***Multiple Bid Submittals***

A Respondent may submit multiple proposals through the RFP Bid Site. All information that varies between proposals must be submitted separately. Information that does not change (e.g. credit) need not be resubmitted for each bid.

***Confidentiality and Compliance***

PNM will take reasonable precautions and use commercially reasonable efforts to protect any claimed proprietary and confidential information contained in a Proposal, provided that such information is clearly identified by the Respondent as "PROPRIETARY AND CONFIDENTIAL MATERIAL". Notwithstanding the foregoing, PNM in its sole discretion may release such information: (1) to any external contractors for the purpose of evaluating Proposals, but such contractors will be required to observe the same care with respect to disclosure as PNM; (2) to others who have a need for such information for purposes of evaluating the RFP and the Proposals, the RFP process or the agreement resulting from the RFP process, including but not limited to the Commission, its employees, staff, consultants and/or agents, and other parties, their consultants and/or agents, to any NMPRC proceedings relating thereto; or (3) if PNM is

requested or compelled to disclose such information (or portions thereof) (i) pursuant to subpoena or other court or administrative process, (ii) at the express direction of any agency with jurisdiction over PNM, or (iii) as otherwise required by law. If PNM determines that the release of such information will be made under one of the circumstances set out above, PNM will provide Respondent with written notice. PNM is under no duty or requirement to Respondent to withhold such information if, in PNM's judgment, there is a need to provide it under the circumstances described above. Under no circumstances will PNM, or its directors, management, employees, agents or contractors be liable for any damages resulting from the disclosure of Respondent's claimed proprietary and confidential information during or after the RFP process. By submitting a Proposal in response to this RFP, Respondent acknowledges and agrees to the requirements in this provision concerning confidentiality.

In the event PNM uses internal, proprietary projections in its evaluation process, the resulting projections will not be shared with Respondents.

### ***Collusion***

By submitting a Proposal to PNM in response to this RFP, the Respondent certifies that the Respondent has not divulged, discussed, or compared its Proposal with other Respondents and has not colluded whatsoever with any other Respondent or parties with respect to this or other Proposals; provided, however, that this provision does not and is not intended to prevent multiple parties from making a joint Proposal in which the roles and responsibilities of each party are clearly delineated in the Proposal.

### ***Compliance with Law***

Each Respondent shall ensure that its Proposal is in full compliance with all applicable Federal, State and local laws, rules, regulations or other requirements.

### ***Evaluation of Proposals***

An initial review of each Proposal will be performed to determine if all required information has been provided. Material deficiencies will disqualify a Proposal from further consideration, and

the Respondent will be notified in such event. After initial review, PNM anticipates a two-phase proposal and evaluation process. From the Phase One evaluation results, a smaller list of projects will be determined, at which time Respondents may be requested to supply additional information. The unsuccessful Respondents will be notified that their Proposals will not be considered further. Respondents will be notified via the PNM RFP Bid Site that they have passed on to Phase Two of the process, whereupon additional evaluation will be conducted and the preferred renewable resource alternative(s) identified. Once the successful alternative(s) from that evaluation have been identified, PNM will pursue negotiations to secure renewable resources. Provided the parties successfully negotiate contract for the project, PNM will then make appropriate filings seeking approval from the Commission based on the negotiated terms of the contract(s).

### ***Phase I***

Proposals that have provided the required data will be passed to the initial screening phase of the evaluation. They will be evaluated individually for both the quality of the Proposals and the likelihood of achieving successful commercial operation under the terms proposed. Each Proposal will be scored using both price and non-price criteria. A Proposal's score from the non-price evaluation is combined with a price score to produce a ranked "short-list."

Respondents shall include sufficient detail for PNM to be able to evaluate all costs associated with the Proposal(s). Respondents should be aware that the evaluation in Phase I is based on both price and non-price evaluations (which are detailed below), therefore, the lowest price submittal may not be selected.

### ***Non-Price Evaluation Process***

The following will be given consideration in the non-price evaluation process:

- 1) Respondent creditworthiness, which includes a Respondent's managerial and financial qualifications.
- 2) Respondent's Engineering, Construction, Operating and Environmental Team qualifications.
- 3) Project Engineering Plan.

- a) Detailed operations and maintenance plan for the project.
- b) Preliminary engineering study describing the generation technology, emission control equipment and fresh water usage.
- c) Detailed project critical path schedule identifying all important development elements and their timing.
- d) Identification of the major equipment supplier(s) to be used for the project.
- 4) Product and equipment warranty protections.
- 5) Environmental and Siting Plan
  - a) An environmental assessment of the environmental feasibility for each site and all necessary right of ways (for sites other than PNM-designated solar sites).
  - b) A Respondent's Environmental Management System, i.e., how the Respondent handles the environmental risk associated with its operations.
  - c) An environmental milestone schedule addressing all requisite permits.
  - d) Detailed description of a water supply plan including a description of fresh water conservation efforts and usage.
- 6) Fuels Supply Plan (if needed)
  - a) A detailed assessment of current and future fuel supply, fuel contracts in place, fuel storage, and fuel transportation, as appropriate per technology type. Meteorological data, as necessary, to support projected energy and capacity values.
  - b) The Respondent shall demonstrate fuel supply stability and a robust supply chain for the duration of the plant life or contract life.
- 7) Preference will be given for NNM load-side locations, if within transmission Path 48.
- 8) Contribution to PNM's overall system reliability. i.e. How will operational control or lack thereof affect PNM's reliability metrics? How will potential transmission constraints be addressed?
- 9) Operational flexibility of the Proposal. In particular, if proposing a PPA, explain any limitations on or financial consequences of curtailments, maintenance scheduling, or operational parameters.
- 10) Any potential for delay as the result of a Respondent's need for regulatory actions or approvals or for permitting licensing or transmission interconnection.
- 11) Ability to help PNM achieve the RPS resource diversity targets.



- 12) Ownership structure.
- 13) Geographic diversity of resources with respect to PNM's existing renewable portfolio.

***Price Evaluation Process***

PNM ranks and scores all Proposals from a cost standpoint. The price screening consists of measuring each Proposal's total cost impact, including:

- 1) Capital Costs and/or Capacity Costs
- 2) Fixed operation and maintenance costs
- 3) Variable production costs
- 4) Fuel and water costs
- 5) Transmission costs, including third party wheeling
- 6) Operational costs, including system regulation requirements as a result of the project
- 7) Other system benefits or costs, including impact to system losses
- 8) Financial impact to PNM such as impact to credit metrics, capital structure and financial statements
- 9) Opportunities for marketing of excess energy
- 10) Comparison to Reasonable Cost Threshold ("RCT") rate impact cost criterion contained in Rule 572
- 11) Any additional costs that are required, but not provided for in the proposal
- 12) Tax implications

Proposals are scored and ranked on the basis of minimizing the net present value of ratepayer revenue requirements (i.e. total cost impact). Proposals with a low total cost impact on the PNM system will receive a higher score than Proposals with a high total cost impact.

***Phase II***

In the short list evaluation, Proposals are further evaluated on credit quality, price and non-price factors, including value to PNM and its customers. A Proposal's impact on PNM's system production costs is determined in analysis consistent with PNM's integrated resource planning ("IRP") evaluation methodology. This is designed to reflect all differentiation in Proposal costs or benefits, such as contribution to peak load capacity, system reliability, impact on PNM's

renewable energy “Reasonable Cost Threshold” and risk mitigation. Determination of that evaluation methodology is at PNM’s sole discretion. From the final set of selected Proposal alternatives, PNM will determine the preferred alternative or combination of alternatives to meet the RPS.

***Credit Quality***

Credit quality of the Respondent is an important factor in the selection process. PNM will utilize the lower of the published credit ratings from Standard & Poor’s Ratings Group (“S&P”) or Moody’s Investor Services, Inc. (“Moody’s”) for long-term senior unsecured debt to determine a Respondent’s credit rating. PNM may also consider credit rating by other credit agencies. Execution of an agreement under this RFP is conditional upon full satisfaction of any PNM credit support requirements.

If Respondent is proposing a PPA, the bid must demonstrate credit support and/or collateral value sufficient to provide surety of contract performance over the full contract term.

PNM reserves the right to require additional credit standards and to review and evaluate the quality of credit of each Respondent and to make adjustments, as necessary, in the application of the foregoing standards.

***PNM Reservation of Rights and Disclaimers***

Nothing in this RFP constitutes an offer or acceptance by PNM, and PNM hereby disclaims any intent for this RFP to constitute a binding contract between PNM and any Respondent. PNM retains the right to determine, in its sole discretion, the value to PNM and its customers of any and/or all Proposals. PNM reserves the right to negotiate with a Respondent or Respondents after submission of a Proposal. PNM further reserves the right to negotiate with only those Respondents whose Proposals, as PNM determines in its sole discretion, have a reasonable likelihood of being executed. In the event negotiations with a Respondent or Respondents do not produce a final and fully executed contract satisfactory to PNM and authorized by the

Commission, without material changes, for inclusion in PNM's renewable supply portfolio, PNM reserves the right to pursue any and all other resource options available to it.

PNM may reject any Proposal that it determines, in its sole discretion:

- Does not meet the minimum requirements set forth in the RFP; or
- Does not include all required elements under NMPRC Rule 572; or
- Does not provide required information in a manner that allows effective evaluation; or
- Is not economically competitive with other Proposals.

PNM reserves the right, without qualification and in its sole discretion, to accept or reject any or all Proposals for any reason at any time after submittal without explanation to the Respondent, or to enter into an agreement at any time with a Respondent who, in the opinion of PNM, will provide the most value to PNM customers. PNM also reserves the right to contract with other than the lowest price Respondent or with other than the Respondent evidencing the greatest technical ability, if PNM, in its sole discretion, determines that to do so would result in the greatest value to PNM customers.

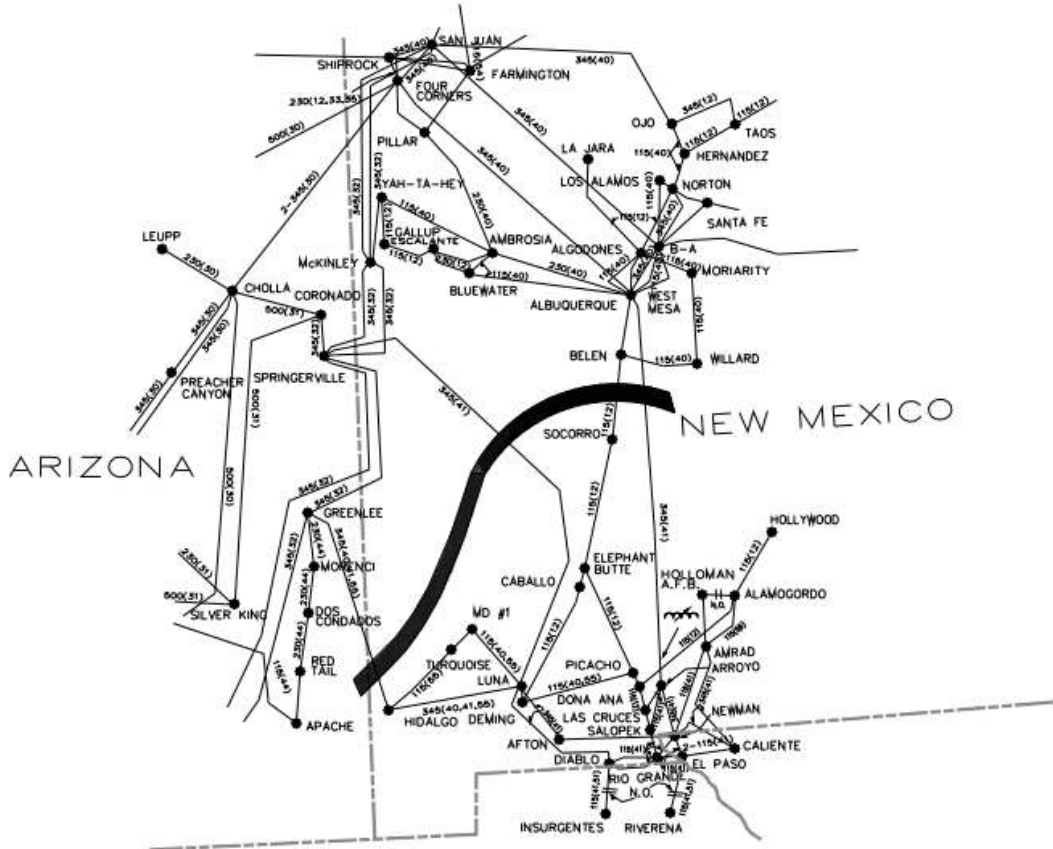
PNM, in its sole discretion, may decline to enter into an agreement with any Respondent, and may terminate negotiations with any Respondent, at any time during the process.

Those Respondents who submit Proposals do so without legal recourse against PNM, PNM's parent company or affiliates, and the directors, management, employees, agents or contractors of any of them, due to (1) PNM's rejection, in whole or in part, of their Proposal; (2) PNM's rejection, modification, delay or withdrawal, in whole or in part, of this RFP; (3) failure to execute any agreement; and (4) any other reason arising out of this RFP. PNM shall not be liable to any Respondent or to any other party, in law or equity, for any reason whatsoever relating to PNM's acts or omissions arising out of or in connection with the RFP process.

Respondent shall be liable for all of its costs, and PNM shall not be responsible for any of Respondent's costs, incurred to prepare, submit, or negotiate its Proposal, a definitive agreement or any other activity related thereto.

PNM reserves the right, at any time, to establish a minimum and/or maximum amount of energy and/or RECs to be acquired from any one Respondent.

# 47. Southern New Mexico (NM1)



## 48. Northern New Mexico (NM2)

