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**Public Service Company of Colorado Request for  
Proposal for Non-Wires Alternative Services**

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**Issued: May 19, 2023**

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## **Notice of Disclaimer**

The information contained in this Request for Proposals (“RFP”) for Non-Wires Alternatives for Public Service Company of Colorado (“Public Service” or “Company”) has been prepared solely to assist Respondents (also referred to herein as “Bidder(s)” or “Respondent(s)”) in deciding whether or not to submit a proposal. Public Service does not represent this information to be comprehensive or to contain all of the information that a Respondent may need to consider in order to submit a proposal. Public Service and its affiliates, employees, directors, officers, shareholders, customers, agents and consultants (collectively “Public Service Representatives”) do not make, and will not be deemed to have made, any current or future representation, promise or warranty, express or implied, as to the accuracy, reliability or completeness of the information contained herein, or in any document or information made available to a Respondent, whether or not the aforementioned parties knew or should have known of any errors or omissions, or were responsible for their inclusion in, or omission from, this RFP.

Public Service reserves the right to modify, supplement or withdraw this RFP at any time, whether due to changes in law or otherwise, and including by issuing one or more addenda to this RFP during this solicitation, which addenda shall become a part of this RFP. No part of this RFP and no part of any subsequent correspondence by Public Service or Public Service Representatives shall be taken as providing legal, financial, or other advice or as establishing a contract or contractual obligation. This RFP has been prepared solely to solicit proposals and is not a contract offer, and this RFP is not binding on Public Service. Contractual obligations on the part of Public Service will arise only if definitive agreements are approved and executed by Public Service and a service provider. Public Service reserves the right to request from a Respondent information that is not explicitly detailed in this document, obtain clarification from Respondents concerning proposals, conduct contract development discussions with selected Respondents, and conduct discussions with members of the RFP evaluation team (“Evaluation Team”), the Independent Evaluator (if any), and other support resources.

Public Service will, in its sole discretion and without limitation, evaluate proposals and proceed in the manner Public Service deems appropriate, which may include deviation from the expected evaluation process, the waiver of any RFP requirements, and/or requests for additional information. Public Service reserves the right to reject any proposal (or portion of a proposal) received for failure to meet any criteria set forth in this RFP or otherwise and to accept proposals other than the lowest cost proposal. Public Service also may decline to enter into any agreement with any Bidder, terminate negotiations with any Bidder, or abandon the RFP process in its entirety at any time, for any reason and without notice thereof. Respondents that submit proposals agree to do so without legal recourse against Public Service for rejection of their proposals or for failure to execute an agreement for any reason. Public Service shall not be liable to any Respondent or other party in law or equity for any reason whatsoever for any acts or omissions arising out of or in connection with this RFP. By submitting its proposal, each Respondent waives any right to challenge any evaluation by Public

Service or the Public Service Representatives of its proposal. By submitting its proposal, each Respondent waives any right to challenge any determination of Public Service or the Public Service Representatives to select or reject its proposal. Each Respondent, in submitting its proposal, irrevocably agrees and acknowledges that it is making its proposal subject to and in agreement with the terms of this RFP.

Each Respondent shall be liable for all of its costs incurred to prepare, submit, respond or negotiate its proposal and any resulting agreement and for any other activity related thereto, and Public Service shall not be responsible for any of the Respondent's costs. Respondent whose proposal may be selected in response to this RFP acknowledge that it assumes full legal responsibility for the accuracy, validity, and legality of the work and services provided in conformance with this RFP.

## **1.0 Background Information on Public Service**

Public Service is a regulated utility that serves electric and natural gas customers in the State of Colorado. It is one of the Xcel Energy utility operating companies. This RFP relates to Public Service's operation of its electric distribution grid. Public Service is seeking proposals that will provide reliable and cost-effective Non-Wires Alternatives services. Non-Wires Alternatives "means the strategic deployment of distributed energy resources by a utility or third part and associated control or aggregation of systems and technologies intended to cost-effectively defer or avoid the need for Major Grid Distribution Projects." 4 CCR 723-3 at Rule 3527(p). Major Grid Distribution Projects means planned, proposed, or potential construction, reconfiguring or upgrade of any electric distribution line, substation, or ancillary structure that meets certain criteria, including that it has an estimated cost of more than \$2 million on the distribution grid or more than \$3 million on both the transmission and distribution grids. Id. at Rule 3527(m). The specific Major Grid Distribution Projects for which Public Service is seeking possible Non-Wires Alternatives are listed on Attachment A along with the specific criteria for the services that would be necessary to defer or avoid each listed Major Grid Distribution Project.

## **2.0 Introduction**

Public Service is seeking proposals for Non-Wires Alternatives services as outlined below.

### **2.1 Description of Proposals Sought through this RFP**

Public Service invites proposals for Non-Wires Alternatives services described in this Section.

This RFP seeks Non-Wires Alternatives services that will allow the Company to cost effectively defer or avoid one or more of the Major Grid Distribution Project described in Attachment A. Each individual listed Major Grid Distribution Project is planned to address specific constraints in a specific area of the distribution system. To effectively defer or avoid the need for a Major Grid Distribution Project, Non-Wires Alternatives services must fully, cost effectively, and reliably address the requirements set forth in Attachment A for the Major Grid Distribution Project for which the proposal is offered. If Respondent seeks to propose Non-Wires Alternatives services for multiple

Major Grid Distribution Projects, it should do so by submitting separate proposals for each such project.

### **2.1.1 Minimum Requirements of the Proposal**

At a minimum, the Respondent's Non-Wires Alternative services proposal must reliably and cost-effectively provide the ability to mitigate the underlying needs for the Major Grid Distribution Project described in Attachment A for which the proposal is offered as an alternative, so as to allow Public Service to defer or avoid the specified Major Distribution Grid Project. To be responsive, the proposal should be capable of addressing the specific constraints addressed by the Major Distribution Grid Project, including but not limited to time of day and amount of reduction, total annual hours when the services will or can be provided, and when services will and will not be available.

Public Service anticipates that most Non-Wires Alternatives will involve demand response programs, energy efficiency programs, energy storage services, distributed generation, or some combination thereof; however, this RFP is methodologically and technology agnostic (unless otherwise noted here, and approved by the Commission) and Proposals may involve one or more projects or programs. No particular methods or technologies are required and proposals wholly or partially involving new and innovative methods and/or technologies are welcome provided their reliability can be sufficiently demonstrated.

Respondents should note that with regard to proposals wholly or partially involving distributed generation and energy storage services, the Interconnection Procedures and Standards set forth at Rules 3850 to 3859 of the Public Utilities Commission of the state of Colorado's ("CPUC") Electric Rules (4 Code of Colorado Regulations 723-3) shall apply to any necessary interconnections. Respondents should be aware that Public Service manages the interconnection process through different functions of the Company or through its affiliates. To that end, the model contract attached as Attachment B contains a provision stating that any breach, dispute, or other issue related to Public Service's or its affiliates' performance under any Interconnection Agreement or other conduct by Public Service related to the Interconnection Procedures and Standards or an Interconnection Agreement shall not be considered a breach by Public Service of its obligation of good faith and fair dealing or any other statutory or common law requirement under an agreement with respect to the provision of Non-Wires Alternatives services and that a provider of Non-Wires Alternatives services waives any and all claims at equity or law related thereto. Likewise, the model contract provides that any breach, dispute, or other issue related to Public Service's performance of a contract for provision of Non-Wires Alternatives service or other conduct by Public Service related to this contract for provision of Non-Wires Alternatives services shall not be considered a breach by Public Service of its obligation of good faith and fair dealing or any other statutory or common law requirement under an Interconnection Agreement or the Interconnection Procedures and Standards and the model contract further provides that the provider of Non-Wires Alternatives Services agrees to waive any and all

claims at equity or law related thereto.

### **2.1.2 Term**

As reflected in the model contract attached as Attachment B, Public Service contemplates that Non-Wires Alternatives services will be seven (7) years.

## **3.0 Proposal Content Requirements**

This section outlines the content and format requirements for all proposals submitted in response to this RFP. Unless Public Service decides in its sole discretion to waive a particular requirement or requirements, proposals that do not include the information requested in this section will be ineligible for further evaluation. Public Service reserves the right to conduct any further due diligence they consider necessary to fully understand and evaluate proposals.

### **3.1 Company Proposals**

Public Service and/or its affiliated Xcel Energy entities reserve the right to submit proposals in response to the RFP. If such proposals are submitted, the deadlines and requirements set forth herein shall be the same as for other Respondents, except that such a proposal need not provide proposed revisions to the model contract attached hereto as Attachment B. Any Public Service or affiliated entity personnel working on such a Company proposal may not communicate with the RFP Coordinator or persons affiliated with Public Service and/or Xcel Energy involved in evaluating proposals regarding this procurement or the Major Distribution Grid Project(s) except under the same terms and limitations set forth in this RFP as apply to all respondents. Any Public Service or affiliated entity personnel working on such a Company proposal shall not have access to non-public information regarding the Major Distribution Grid Project(s), the evaluation criteria, or this procurement beyond that provided in this RFP (and its attachments) except through use of the same procedures set forth in this RFP applicable to all Respondents.

### **3.2 Proposal Format**

A complete proposal will include the following components:

1. Executive Summary.
2. Identification of the specific Major Grid Distribution Project for which the Respondent is proposing Non-Wires Alternatives services. If Respondent wishes to propose Non-Wires Alternatives for more than one of the Major Grid Distribution Projects listed on Attachment A it should submit separate proposals for each such project.
3. Organizational information. Provide a description of your organization, including: legal name and any trade or brand name(s); organizational form; as applicable, list of principal shareholders, other business owners or joint venture participants and their respective percentage of participation; general experience; capabilities; and, references. The same information should be provided for any identified subcontractors, consultants, or joint venture members who will be involved in providing the proposed services.
4. Names and contact information for the person or persons who will serve as Respondent's primary contacts with regard to this RFP.

5. The *Curriculum Vitae(s)*'s of the key team members, including supplemental information such as client reference information and other materials that demonstrate each team members' qualifications. Key team members should include, at a minimum, those persons who will serve as primary contacts with Public Service, the person(s) who will manage provision of the proposed services, project manager(s), and, for any proposals that involve the construction and/or installation of equipment or facilities, any design professionals (including electrical engineers), construction project managers, and superintendents.
6. Proposed pricing for provision of the Non-Wires Alternatives services, including but not limited to any information regarding financial incentives that would be provided to any persons for hosting equipment or infrastructure or otherwise participating in or facilitating the Non-Wires Alternatives services, and information regarding whether any portion of the costs of any infrastructure or equipment used to provide the proposed Non-Wires Alternatives services would be paid for by host locations.
7. Any comments or proposed revisions to Public Service's model contract, attached hereto as Attachment B. If Proposer does have any proposed revisions, it should include both red-lined and clean versions of its proposed version with its proposal. In order to preserve the integrity of the process, all proposed revisions must be presented at this stage of the process and in this manner.
8. A description of Respondent's plans for equitable hiring and any subcontracting, including its planned efforts to ensure that persons from traditionally disadvantaged communities and businesses owned by persons from traditionally disadvantaged communities are given fair opportunities.
9. Information demonstrating that Respondent has the capacity to provide the Security Fund required by Article 7 of the model contract attached hereto as Attachment B.
10. Narrative Topics Discussion including:
  - a. Identification of the proposed approach, methods, and technologies that will be used to provide the Non-Wires Alternatives services, including information and data sufficient to show that the proposed services can reliably address the constraints set forth in Attachment A that would otherwise require implementation of the Major Distribution Grid Project(s) in question. Such information should include annual availability and an 8,760 annual load curve for an average year during the seven-year term.
  - b. Specific information and data regarding any ancillary services that would be provided by the proposed Non-Wires Alternatives services.
  - c. Specific information regarding the location(s) where the proposed services will be provided, with sufficient granularity so as to allow Public Service to analyze the impact on particular feeders and transformers.
  - d. Detailed description of Respondent's experience with its proposed methods, technologies, and approaches, and/or similar methods, technologies, and approaches, including the names and locations of specific projects, information and data regarding the results of such earlier projects, names and contact information for counterparties, and references.

- e. Information demonstrating that any equipment, infrastructure, or facility design work shall be carried out by licensed professionals with specific and applicable experience.
  - f. Information demonstrating that construction or installation work, if any, shall be carried out by professional contractors with all necessary licenses and inspected by licensed and experienced design professionals.
  - g. Descriptions and locations of any key facilities, equipment, or assets that would be used to provide the proposed services, including, as applicable, information on proposed construction and/or manufacturing timelines, contracts, and proposed technical specifications.
  - h. Information demonstrating that any real property entitlements which may be necessary for provision of the proposed services have been obtained or are subject to options, purchase agreements, or other enforceable contractual arrangements.
  - i. A proposed timeline and schedule for implementation of the proposed services and information demonstrating the feasibility of the schedule and timeline.
  - j. Information regarding any licenses or permits which may be necessary for provision of the proposed services and details on whether such licenses or permits have been obtained and, if not, plans and timelines for efforts to obtain such licenses or permits.
  - k. Detailed information regarding all contractual arrangements related to energy efficiency and/or demand response programs, including the specific identities and locations of program participants, the load reductions associated each participant, contract terms related to the duration, timing, nature, and terms for load reduction, and information demonstrating that the program(s) in question involve contractual commitments to provide at least one hundred and twenty percent (125%) of the necessary load reduction at the location(s) in question.
  - l. Respondent must affirm it is not subject to, and does not expect to be subject to, any legal restrictions (contractual, regulatory, etc.) that would preclude it from performing the duties in its response to this RFP.
  - m. Respondent must disclose whether it has been suspended, debarred, or otherwise excluded from procurement by the Federal government or any state or local government.
  - n. If respondent is proposing services that will require any interconnection(s) with the distribution grid, information regarding the current status, if any, of projects in the interconnection queue.
  - o. Discussion of how Respondent contemplates that its proposed services could be measured, tested, and verified.
11. A Respondent may also provide any narrative, data, charts, tables, diagrams, or other materials in addition to those specifically called for herein, to the extent such additions are useful for clarity or completeness of the response.

**3.3 Notice of Intent to Respond (NOIR)**

Respondents who intend to submit a proposal are strongly encouraged to also submit a non-binding Notice of Intent to Respond by sending an email to the RFP Coordinator. Public Service requests that completed NOIR forms be emailed to the RFP Coordinator at the earliest date possible but no later than 4:00 P.M. Mountain Time on June 9, 2023.

**3.4 Proposal Submission Deadline**

All proposals will be accepted until 4:00 P.M. Mountain Time on June 28, 2023. All proposals must be transmitted by email or by express, certified or registered mail, or hand delivered to the RFP Coordinator at following address:

PSCo Non-Wires Alternatives  
Attn: RFP Project Manager  
Xcel Energy Service Inc.  
1800 Larimer St  
Denver, Colorado 80202

Proposals received later than the submission deadline will be rejected and returned unopened, unless Public Service determines, at its sole discretion, to consider such proposals.

If Respondent submits a hard-copy of its proposal, the Respondent’s organizational name and address must be clearly indicated on the exterior of the package containing the proposal. If Respondent submits via email, “Response to NWA RFP” and Respondent’s organizational name should be included in the subject line.

**3.5 Bid Evaluation Fee**

All respondents are required to pay to the Company a bid evaluation fee with each proposal submitted; bid fees are determined by the nameplate capacity of the bid according to Table 1 below. Checks should be made out to "Public Service Company of Colorado" and must be included with the proposal if a hard copy proposal is submitted. If a proposal is submitted via email, the bid fee check should be separately sent by express, certified or registered mail, or hand delivered to the RFP Coordinator at the address set forth in Section 3.4 above. Bid evaluation fees are non-refundable.

**Table 1. Bid Fees**

<b>MW Range</b>	<b>Bid Fee</b>
<b>&gt;0.1 to 1 MW</b>	<b>\$375</b>
<b>&gt;1 to 2 MW</b>	<b>\$750</b>
<b>&gt;2 to 5 MW</b>	<b>\$1,500</b>
<b>&gt;5 to 10 MW</b>	<b>\$3,000</b>
<b>&gt;10 MW</b>	<b>\$10,000</b>

#### **4.0 Information Policy**

To obtain additional information about this RFP, Respondents may submit inquiries to the RFP Coordinator via email. Respondents should not attempt to acquire information through any other means from Public Service, Public Service Representatives, or the Independent Evaluator. The RFP Coordinator will maintain a log of all email inquiries and coordinate the preparation of written responses. Once a response is prepared, the RFP Coordinator will forward the response to the inquiring party. Public Service has established this information policy to ensure that Respondents have timely access to and knowledge about the bidding and evaluation process.

#### **5.0 Clarification of Proposals**

While evaluating proposals, Public Service and/or the Independent Evaluator may request clarification or additional information about any item in the proposal. Such requests will be sent via email to the contact persons for Respondents identified in the proposal, and Respondents are required to provide a written or electronic response within five business days, or Public Service may, at its sole discretion, deem the Respondent to be non-responsive and either suspend or terminate evaluation of the proposal. Respondents are encouraged to provide an alternate point of contact to ensure a timely response to clarification questions.

#### **6.0 Confidentiality**

Consistent with the E-mail transmitting the RFP, Public Service and Respondents agree to keep confidential: 1) the RFP; 2) those pages of the response to the RFP that Respondents specifically designate and clearly identify as containing confidential and proprietary information; and 3) information and documents exchanged between Public Service and Respondent during the course of the preparation of the response to the RFP and the response evaluation process that are specifically designated and clearly identified as containing confidential and proprietary information (“Confidential Information”). Public Service and Respondent shall only disclose the Confidential Information to those within their organizations with a need to know, to the Independent Evaluator, and, as noted below (and subject to the requirements set forth below), in filings with the Colorado Public Utilities Commission. In addition, such Confidential Information shall only be used, as applicable, by Respondent to respond to the RFP or by the Public Service to evaluate the response. Public Service and Respondent agree that they shall not disclose Confidential Information to agents or consultants unless the agent or consultant in question: 1) has a need to know such information; 2) agrees to only use the Confidential Information to respond to the RFP or evaluate the Response; and 3) is contractually bound to disclosure standards and policies at least as restrictive as those set forth in this paragraph. Regardless of the confidentiality, all such Confidential Information may be subject to: 1) state and federal freedom of information and open records act laws; 2) review by the appropriate state jurisdiction; 3) any other governmental authority or judicial body with jurisdiction relating to these matters; and 4) legal and regulatory discovery. Under such circumstances, Public Service or Respondent, as applicable, shall notify the other party regarding such circumstances to allow it to seek a protective order, as appropriate, or otherwise prevent the disclosure of the Confidential Information, as legally permitted. Public Service and Respondent shall make all reasonable efforts to preserve the

confidentiality of the Confidential Information, but acknowledge that such treatment is neither automatic nor guaranteed. Public Service and Respondent also specifically anticipate that proposals, including portions containing Confidential Information, will likely be filed with the Colorado Public Utilities Commission and agree to such disclosure provided the filing party seeks an appropriate protective order. Public Service and Respondent both recognize and acknowledge that the Independent Evaluator will have access to Confidential Information.

## **7.0 Addenda to RFP**

Any additional responses required from Respondents as a result of an Addendum to this RFP shall become part of each proposal.

## **8.0 Evaluation Process and Criteria**

The objective of Public Service's RFP proposal evaluation is to identify proposals that can reliably and cost-effectively meet the needs identified in Attachment A so as to allow Public Service to defer or avoid the Major Distribution Grid Project(s) in question. The proposed services will be evaluated as will Respondent's ability to provide those services. Public Service will also consider pricing and any proposed revisions to the terms of the model contract attached hereto as Attachment B and Respondent's proposed timeline and schedule.

### **8.1 Evaluation Process**

Public Service's evaluation team will evaluate proposals; however, Public Service reserves the right to retain the services of outside experts to assist in its evaluation of proposals. In addition, the Independent Evaluator shall also conduct a review. The RFP Coordinator may contact Respondents directly, at any point during the evaluation process, for the purposes of clarifying proposals.

Proposals will be evaluated using a multi-step process as follows:

#### *Step 1 – Proposal Eligibility Screening*

Each proposal will be reviewed by the Evaluation Team to ensure it contains the required components set forth in this RFP.

#### *Step 2 – Proposal Review by Public Service*

Review and evaluation of proposals by Public Service, including assessment using a cost-benefit methodology pursuant to Rule 3535 of the Colorado Public Utilities Commission's Electric Rules (4 Code of Colorado Regulations 723-3). Selection of RFP Finalist(s) for further discussion and/or negotiation. Contemporaneous review by the Independent Evaluator

#### *Step 3 – Finalist(s) and Selection for Negotiations*

RFP Coordinator will notify any finalist(s) of selection for further discussion and/or negotiations. The Independent Evaluator will also file a report with the Commission within 30

days of Public Service's selection of a finalist.

## **8.2 Evaluation Criteria**

Public Service will evaluate the responses to this RFP taking into account the specific information provided in the response and also incorporating, in its sole and unilateral discretion, any other implementation timing, legal, political, regulatory, economic or non-commercial considerations it deems relevant to its interests.

The response evaluation will include review of the quality and completeness of the proposal, including Respondent's prior experience providing services offered or services of a similar kind or nature. Central to Public Service's evaluation will be whether Respondent understands Public Service's requirements and can reliably and cost-effectively provide the Non-Wires Alternatives services so as to allow Public Service to defer or avoid the relevant Major Distribution Grid Project(s). Public Service will also consider pricing and any proposed revisions to the terms of the model contract attached hereto as Attachment B as well as Respondent's proposed timeline and schedule.

## **9.0 Response Timing and Information**

Public Service has established the following general dates and processes for consideration of proposals received from this RFP:

- **5/19/2023:** RFP Issued;
- **6/9/2023:** Notice of Intent to Respond Due Date;
- Weeks of 5/22 through 6/19, Respondents may schedule conference calls with Public Service to discuss the RFP;
- **6/28/2023:** Response Due Date;
- Weeks of 7/3 through 8/21 : Public Service will review responses and may reach out to Respondents for questions; and
- **8/25/2023:** Notification to Respondents of Public Service decision