



Appendix H

Preliminary Due Diligence List For Developmental Resources

For

***2011 Western Region
Request For Proposals (RFP)***

For

***Long-Term
Supply-Side Resources***

DRAFT

Entergy Services, Inc.

September 30, 2011

The statements contained in this Appendix are made subject to the Reservation of Rights set forth in the RFP and subject to the terms and acknowledgements set forth in the Proposal Submission Agreement.

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2011 Western Region Request for Proposals for Long-Term Supply Side Resources

ESI will require Bidders who intend to submit a proposal(s) originating from a resource currently under development, provide a comprehensive response to each question accordingly and as applicable. Failure to provide such a response will result in an increased risk of a Bidder's proposal being deemed non-conforming and rejected from further consideration.

Bidders should prepare to respond to each question by 5:00 pm CPT March 1, 2012. The RFP Web Portal will not be used to collect the response to this Appendix H. Bidders are required to submit their response to the questions below in writing in such a way that clearly identifies the question to which each response pertains, and then provide the response via electronic mail or express delivery to the RFP Administrator by 5:00 pm CPT March 1, 2012. Failure to submit a response will result in increased risk of a Bidders proposal being rejected as non-conforming. Bidders should keep in mind that this Appendix H is not a list of requirements but instead is a list of items that will be used by the RFP evaluation teams to assess the viability of individual projects. Any item requested in this Appendix H that is not available or is not presently known by the bidders or not otherwise provided, may count against final viability score, but will not necessarily in itself cause a project to be declared non-conforming.

1. Project Overview

Bidder must provide a thorough summary description of the project including but not limited to the proposed location, site description, technology, design basis, water source(s), fuel source(s), plan for engineering/procurement/construction, non-standard project components/considerations, as well as a summary of the work completed on each of the minimum requirements described herein. Anything provided in the summary should not otherwise limit the Bidder's response to any of the requirements below.

2. Bidder Experience

- 2.1. Provide a detailed description of Bidder's background and experience
- 2.2. Include any affiliated companies, parent company, holding subsidiaries or predecessor companies; Include resumes of key personnel dedicated to the project
- 2.3. Provide one (1) or more utility scale project references completed and/or under development
 - 2.3.1. Include details of project schedules, historical performance and operating history

3. Project Development

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3.1. Engineering

- 3.1.1. Has a preliminary design study been performed for the facility? If so, please provide the study. If not, when is this activity expected to be completed?
- 3.1.2. Has a detailed engineering study been performed for the facility? If so, please provide the study. If not, when is this activity expected to be completed?
- 3.1.3. Have operation and maintenance budget estimates been established for the facility under each of the following categories:
 - 3.1.3.1. Variable O&M costs – fuel, disposal, make up water, other.
 - 3.1.3.2. Fixed O&M costs – labor, maintenance materials, overhead burden, insurance, extraordinary maintenance, property taxes.If so, please provide the supporting information reflecting the budget estimates for the categories above. If not, when are these activities expected to be completed?
- 3.1.4. Have heat balance, material balance, process flow diagrams been developed? If so, please provide the supporting information, such as the flow diagrams, etc. If not, when is this activity expected to be completed?
- 3.1.5. Have auxiliary power requirements been established? If so, please provide the supporting information such as the amount and drivers of aux load. If not, when is this activity expected to be completed?
- 3.1.6. Have design codes and standards for the facility been developed for the following:
 - 3.1.6.1. Architectural
 - 3.1.6.2. Civil Structural
 - 3.1.6.3. Controls and Instrumentation
 - 3.1.6.4. Electrical
 - 3.1.6.5. MechanicalIf so, please provide the supporting information such as the design codes and summary descriptors. If not, when are these activities expected to be completed?
- 3.1.7. Has the design basis been established for the facility site plan including the following:
 - 3.1.7.1. General arrangement
 - 3.1.7.2. Road and rail access
 - 3.1.7.3. Water supply
 - 3.1.7.4. WastewaterIf so, please provide the supporting information, such as would be included in an engineering study. If not, when are these activities expected to be completed?
- 3.1.8. Has the design basis been established for the facility plot plan including the following:
 - 3.1.8.1. The power island
 - 3.1.8.2. Fuel systemsIf so, please provide the supporting information, such as the plot plan. If not, when are these activities expected to be completed?
- 3.1.9. Has the architectural design basis been established? If so, please provide the supporting information, such as a summary of the design basis and corresponding documentation. If not, when is this activity expected to be completed?
- 3.1.10. Has the civil structural design basis been established for the following:
 - 3.1.10.1. Foundations
 - 3.1.10.2. Proposed loads

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- 3.1.10.3. Design codes and materials
- 3.1.10.4. Structural steel
- 3.1.10.5. Chimney
- 3.1.10.6. Solid waste disposal area
- 3.1.10.7. Roads
- 3.1.10.8. Drainage

If so, please provide the supporting information, such as would be included in an engineering study. If not, when are these activities expected to be completed?

- 3.1.11. Has the design basis been established for controls and instrumentation, including the distributed control system and functional logic diagrams? If so, please provide the supporting information. If not, when is this activity expected to be completed? Will the facility be designed and equipped to operate under automatic generation control?
- 3.1.12. Have the electrical design basis and specifications been established, including single line diagram and electrical system descriptions? If yes, please provide the supporting information, such as the diagrams and descriptions. If not, when is this activity expected to be completed?
- 3.1.13. Has design basis been established for mechanical design, including the following:
 - 3.1.13.1. Gas turbine and steam turbine specifications
 - 3.1.13.2. HRSG
 - 3.1.13.3. Fuel feed systems
 - 3.1.13.4. Control systems
 - 3.1.13.5. Heat exchangers
 - 3.1.13.6. Auxiliary equipmentIf so, please provide the supporting information, such as would be included in an engineering study. If not, when are these activities expected to be completed?
- 3.1.14. Has the design basis been established for balance of plant equipment? If so, please provide the supporting information, such as would be included in an engineering study. If not, when is this activity expected to be completed?

3.2. Project Schedule

- 3.2.1. Has a detailed construction schedule been developed? If so, please provide the schedule. If not, please answer the following questions:
 - 3.2.1.1. When is this activity expected to be completed?
 - 3.2.1.2. Has a summary level construction schedule been developed? If so, please provide the schedule. If not, when is this activity expected to be completed?
 - 3.2.1.3. Has a project master schedule been developed that includes construction milestone dates for each of the following:
 - 3.2.1.3.1. Receipt of Air Permit
 - 3.2.1.3.2. Limited Notice to Proceed (if applicable)
 - 3.2.1.3.3. Financial Close
 - 3.2.1.3.4. Full Notice to Proceed
 - 3.2.1.3.5. Major Equipment Purchases
 - 3.2.1.3.6. Site Mobilization
 - 3.2.1.3.7. Delivery of Major Equipment
 - 3.2.1.3.8. Mechanical Completion

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3.2.1.3.9. Substantial Completion

3.2.1.3.10. Commercial Operation

If so, please provide the schedule or project timeline. If not, when are these activities expected to be completed?

3.2.2. How much time has been allowed for resolving unforeseen start-up and operations problems?

3.2.3. Have permits for construction been obtained? If so, please provide a copy of the permit(s). If not, when is this activity expected to be completed?

3.2.4. Has a construction project team been assembled? If not, when is this activity expected to be completed?

3.3. Cost Estimate

3.3.1. Please provide a description of the current capital cost estimate for the project include the following:

3.3.1.1. Indication of the accuracy of the estimate, for example +/- 25%.

3.3.1.2. How the estimate was developed, i.e., third party engineering firm, in-house, vendor supplied bids, etc. At a minimum, estimates should account for the following:

3.3.1.2.1. Mechanical and electrical equipment

3.3.1.2.2. Instrumentation and controls

3.3.1.2.3. Piping

3.3.1.2.4. Miscellaneous buildings and structural steel

3.3.1.2.5. Site work and foundations

3.3.1.2.6. Retrofit allowance (if applicable)

3.3.1.2.7. Sales tax

3.3.1.2.8. Engineering costs

3.3.1.2.9. Indirect costs

3.3.1.2.10. Spare parts

3.3.1.2.11. Escalation and AFUDC/IDC

3.3.1.2.12. Construction Finance Costs

3.3.1.2.13. Fuel Handling and storage equipment

3.3.1.2.14. Any other category not listed here and reasonably expected to be included for the proposed technology

3.4. Site Control and Assessment

3.4.1. Please describe the status of the proposed project site including the following:

3.4.1.1. Site control – Is the proposed site under the legal control of the Bidder and if so, what legal form? If the site is not currently under the legal control of the Bidder, describe the process required to gain control and provide an assessment of the risk related to gaining control of the site.

3.4.1.2. Has the proposed site been formally assessed for risks related to environmental contamination, habitat or other pre-existing conditions that may render the site unusable? Please provide the executive summary of any formal reports. If the site has not been formally assessed, what supporting facts or actions provide assurance that the site is fit for the intended use?

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- 3.4.1.3. Please indicate what construction related surveying or testing has been performed at the site. Please summarize the results.
- 3.4.2. Please describe the status of any necessary site infrastructure including but not limited to:
 - 3.4.2.1. Water supply
 - 3.4.2.2. Water discharge
 - 3.4.2.3. Transportation access for construction activities and ongoing operations
 - 3.4.2.4. Lay down area access for construction
 - 3.4.2.5. Fuel receiving, storage and processing area
 - 3.4.2.6. Ash storage or disposal (or other solid waste)
- 3.4.3. Please provide the following details regarding the proposed site:
 - 3.4.3.1. Please describe the exact location, i.e., street address or latitude and longitude if in a rural location.
 - 3.4.3.2. Provide a property plat if available
 - 3.4.3.3. Acreage as planned
 - 3.4.3.4. Other available acreage adjacent to the site
- 3.5. Plant and Equipment
 - 3.5.1. Please describe the plant and equipment to be utilized is as much detail as available, including but not limited to the following: (If the procurement of the plant and equipment is not yet completed, please provide details of the procurement plans.)
 - 3.5.2. For each piece of major equipment (prime movers, boilers, turbines, generator transformers, etc) provide the make, model, and performance rating.
 - 3.5.3. Provide the rationale for the selection of the major equipment including a description of the procurement process used.
 - 3.5.4. Provide an equipment list for other equipment to be utilized at the site.
- 3.6. Contract Status
 - 3.6.1. Is there an EPC contract in place for the facility? If so, please identify the EPC contractor and the EPC pricing structure. If not, please answer the following questions:
 - 3.6.1.1. When is an EPC contract expected to be executed?
 - 3.6.1.2. Is there a Letter of Intent in place with an EPC provider?
 - 3.6.1.3. If no LOI is in place, have proposals been requested from possible EPC providers?
 - 3.6.1.4. Provide the EPC pricing structure that is contemplated for the project.
 - 3.6.2. If Bidder does not intend to use a traditional EPC for the facility, please answer the following questions:
 - 3.6.2.1. Describe contracting methodology.
 - 3.6.2.2. Are contracts in place for construction/construction management? If so, please provide supporting documentation as well as the pricing structure. If not, please answer the following questions:
 - 3.6.2.2.1. When is this activity expected to be completed?
 - 3.6.2.2.2. Are there Letters of Intent in place with such providers?

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- 3.6.2.2.3. If no Letters of Intent are in place, have proposals been requested from providers of construction/construction management services?
 - 3.6.2.2.4. Provide the pricing structure contemplated for a definitive agreement.
 - 3.6.2.3. Are contracts in place for cost and schedule control? If not, when is this activity expected to be completed?
 - 3.6.3. Are contracts in place for the following matters:
 - 3.6.3.1. Project scoping
 - 3.6.3.2. Design engineering
 - 3.6.3.3. Support of permitting
 - 3.6.3.4. Major equipment purchase
 - 3.6.3.5. Long term service agreements
 - 3.6.3.6. Other
- If so, please provide supporting information, such as a summary description of those contracts. If not, when are these activities expected to be completed?

4. Electric Interconnection & Transmission

4.1. Interconnection

- 4.1.1. If Bidder does not have a fully executed electric interconnection agreement for the proposed resource or has not submitted an interconnection study request for the proposed resource with Entergy's Independent Coordinator of Transmission ("ICT"), Bidder must initiate this process and submit the appropriate application (and have it deemed complete by the ICT), including the required supporting information, to the ICT by no later than five (5) business days prior to the deadline for receipt of proposals. If interconnecting to other utilities or third party systems, the applicable application must be submitted and deemed complete as well.
- 4.1.2. Bidders will be required to provide the RFP Administrator with a copy of the completed LGIP, and any other applicable application forms by the proposal submission deadline.
- 4.1.3. Provide any information regarding land options, land purchase agreements, permits, etc required to complete the installation of the interconnection facilities (i.e. transmission or distribution line rights-of-way).
- 4.1.4. What is the approximate distance to the nearest substation location and voltage level of the developmental resource interconnection?
- 4.1.5. Please provide the status and details of the request (interconnection point, requested and (if known) granted (i.e. PMAX) capacity, network vs. energy only, etc.) and the associated interconnection queue number, if any.
- 4.1.6. Have results of the interconnection study been provided?
- 4.1.7. Has an interconnection agreement for the resource been executed?

4.2. Transmission to Delivery Point

- 4.2.1. Please provide the status and details (source and sink, requested and (if known) granted capacity, firm vs. non-firm, network vs. point-to-point, etc.) of any transmission request that would be required for the firm transmission or transfer of power from the resource to the Delivery Point on the Entergy Transmission System and the associated transmission reservation queue number.

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- 4.2.2. For resources located outside of the Entergy balancing authority, has a transmission study outside the Entergy System been initiated for the resource? If so, Bidder is required to provide a reasonably detailed summary of the results.
 - 4.2.3. For resources located outside of the Entergy balancing authority, has a transmission service or related agreement for any service from the resource to the Delivery Point on the Entergy Transmission System been executed? Please describe any required and/or optional transmission upgrades for service outside of the Entergy System that have been identified for the resource and the expected timeframe and estimated cost for completion of each such upgrade.
- 4.3. Transmission beyond Delivery Point
- 4.3.1. Please provide the status and details (source and sink, requested and (if known) granted capacity, type of transmission requested, etc.) of any transmission request for the transmission or transfer of power from the resource that could be used to qualify the resource as a firm network resource on the Entergy System and that Bidder would be willing to release to Buyer if the parties enter into a transaction.
 - 4.3.2. Has a transmission study for service inside the Entergy System been initiated for the resource? If so, Bidder is required to provide to Buyer a reasonably detailed summary of the results.
 - 4.3.3. Has a transmission service or related agreement for the transmission or transfer of power in the Entergy System from the resource been executed? Please describe any required and/or optional transmission upgrades for service inside the Entergy System that have been identified for the resource and the expected timeframe and estimated cost for completion of each such upgrade.

5. Fuel Supply & Transportation

- 5.1. CCGT technology
 - 5.1.1. What pipelines will interconnect to the facility?
 - 5.1.1.1. Have the interconnect agreements been completed? If so, please provide a copy of the contract(s). If not, when is this activity expected to be completed?
 - 5.1.1.2. For planned or executed interconnections, provide the identity of the pipeline, and the pipeline zone of service, and the pipeline operating pressure.
 - 5.1.1.3. Provide the designed range of gas flow capability for each pipeline to be connected to the generating facility.
 - 5.1.1.4. If the generating facility will interconnect with multiple pipelines, will those pipelines be able to flow simultaneously? If so, what mode (pressure or flow control) will each pipeline be designed and contracted to operate under during simultaneous flow? Will they be able to operate in either mode or limited to one only?
 - 5.1.1.5. Do easement agreements need to be executed? If so, please list all easement agreements that are expected to be executed.
 - 5.1.1.6. Are there any pipelines within 5 miles of the of the development site which will not be interconnected with the generating facility? If so, please list the pipeline(s).

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- 5.1.1.7. Will any piping under the generating facility's ownership extend beyond the boundaries of the facility? If so, will that piping be under the jurisdiction and regulation of DOT? If so, will that piping be operated and maintained by the owner of the facility?
- 5.1.1.8. Provide the planned design pipeline pressure and the maximum allowable operating pressure (MAOP) for the in-plant gas piping. Will the in-plant piping be designed to exceed the MAOP of the delivery pipelines? If not, what protection will be put in place to prevent over-pressurization of the in-plant piping?
- 5.1.2. Have transportation agreements been executed? If so, please a copy of the agreement(s). If not, when is this activity expected to be completed?
- 5.1.3. Have the following elements been determined for the facility's fuel supply:
 - 5.1.3.1. Pipeline ability to deliver gas at the required pressure
 - 5.1.3.2. Generating unit(s) minimum pipeline pressure required to operate
 - 5.1.3.3. Adequate measurement facilities and ability to access and monitor such equipment
 - 5.1.3.4. Determination of control of gas flow
 - 5.1.3.5. Clarification of points of ownership and clarification of maintenance responsibilities
 - 5.1.3.6. Process required to adjust gas flow
If so, please provide the supporting information. If not completed, specify when each of these activities is expected to be completed.
- 5.1.4. Have the following elements of the gas supply contract been completed?
 - 5.1.4.1. Source of supply
 - 5.1.4.2. Price
 - 5.1.4.3. Term of Contract
 - 5.1.4.4. Firmness of Service
 - 5.1.4.5. Imbalance provisions
 - 5.1.4.6. Counterparty
If so, please provide the supporting information. If not completed, specify when each of these activities is expected to be completed.
- 5.1.5. If the elements in question 4 above have been agreed to with the provider/counterparty, are there any executed supply agreements or other commitments in place? If so, please provide the specific elements of each agreement and/or a copy of the agreement(s) as listed in question 4 above.
- 5.1.6. Will natural gas purchases be "FOB to the development site" or require separate transportation arrangements through pipelines for delivery to the development site?
- 5.1.7. What type of assurances are planned that will protect the facility from fuel curtailments during severe conditions such as hurricanes and other extreme weather conditions?
- 5.1.8. Provide the hourly (instantaneous) and daily swing flexibility expected under each planned fuel supply source. Define limitations of fuel delivery which may limit the operation of the generating facility between its minimum and maximum.
- 5.1.9. Define any applicable state and local taxes which apply to the fuel(s) planned to be in use at the facility.

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- 5.1.10. Will the generating unit(s) be designed with dual fuel capability? If so, describe the type of fuels that can be combusted and clarify any operating restrictions placed on the unit(s).
 - 5.1.11. If an alternative or dual fuel capability is planned, and that fuel is either diesel or some other type of liquid commodity, provide the storage capacity of the tanks designed to contain the fuel. Also provide the following:
 - 5.1.11.1. The mechanism for re-supply of the alternative fuel
 - 5.1.12. If the generating facility consists of more than one power block, will each power block have separate fuel metering equipment?
 - 5.1.13. Provide the OEM primary and alternative fuel quality design requirements for the generating unit(s) to be installed.
 - 5.1.14. Will separate fuel metering equipment be installed to measure the amount of fuel consumed to be able to compare to the metering equipment used by the delivering pipelines to measure gas flow (pipeline's equipment is typically known as custody transfer metering)?
- 5.2. Solid fuel technology (fossil fuel, nuclear)
- 5.2.1. Bidder must identify the source of, and detailed specifications for, the primary and secondary (if applicable) fuel supply required for the technology/design (e.g. identify the fuel type and source, and provide a typical analysis of fuel specifications)
 - 5.2.2. Bidder must demonstrate that an adequate supply of the primary fuel exists to support the life of the generating unit (e.g. projected fuel supply availability for entire term of the proposal)
 - 5.2.3. Bidder must identify the primary mode of transportation for the primary (and secondary, if applicable) fuel supply (e.g. anticipated quantity of daily deliveries and documentation of carrier capacity)
 - 5.2.4. Bidder must provide a description of the fuel storage facility design, including assumptions used to develop storage capacity (e.g. facility used to store fuel inventory)
 - 5.2.5. Bidder must specify the capacity of the proposed inventory yard and the target inventory levels for on-site storage
 - 5.2.6. Bidder must provide a description of the design for all fuel handling facilities (including unloading, processing, and delivery) and demonstrate that the designs are sufficient in size and capacity to support plant operations (e.g. equipment and facilities used to unload, handle and recover fuel from delivery and storage)

6. Environmental

- 6.1. Land/Groundwater
 - 6.1.1. Have the previous land uses for the facility/site been identified? If so, please list those uses or provide the supporting information.
 - 6.1.2. Are there any potentially contaminated activities at nearby facilities/sites that have been identified? If so, please list and describe those identified.
 - 6.1.3. Has an Environmental Impact Study been conducted for the facility/site? If so, please provide a copy of the study.

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- 6.1.4. Provide the number of groundwater monitoring or production wells at the facility/site and provide copies of state registrations for each well.
- 6.1.5. Does documentation exist on the details of the geological and hydro geological nature of the soil and groundwater underneath the facility/site? If so, please provide the supporting information.
- 6.1.6. Has a siting certificate been obtained for the facility/site? If so, please provide a copy of the certificate.
- 6.1.7. Has a Wetland Survey been complete for the proposed site? Have any potential Wetlands been identified on the property? Please provide a copy of any wetland surveys which have been completed (including desktop reviews and on-site surveys).

6.2. Permitting

- 6.2.1. Provide a list of all environmental permits required by the Owner or any of its affiliates. Please provide a copy of any permits received for the project to date. Bidder must show that it has completed all permitting due diligence necessary to prepare to apply for all required permits (e.g. a copy of the draft permit application(s), or a summary of the permit application requirements including how those requirements will be met)
- 6.2.2. Bidder must provide a Phase I environmental site assessment according to ASTM E1527 or evidence and documentation of due diligence specific to the proposed site necessary and sufficient to support such an assessment (e.g. documentation of work necessary to meet the primary components required under a Phase I according to ASTM E1527)
- 6.2.3. Describe the Cross-State Air Pollution Rule compliance requirements and the quantity of emission allowances allocated to the generating facility
Bidder must disclose any reasonably anticipated permitting obstacles and any pending claims, actions or disputes related to permitting activities completed to date
- 6.2.4. For developmental solid fuel proposals, Bidder must provide a summary of the plan to address potential public and private opposition, conduct community outreach, and seek support of local, regional and state officials with some element of jurisdiction over the project (e.g. permitting, citing, zoning, property tax, etc.)

6.3. Air/Noise

- 6.3.1. Has the site or facility been evaluated to determine air permitting concerns or needs related to construction, modification or a change in operations required for the CCGT project? If so, state any special concerns or limitations and note whether any air permitting activity has been undertaken by the Owner or submitted to any government agency.
- 6.3.2. What is the national Ambient Air Quality Standards (NAAQS) attainment status for the project region, on a pollutant basis for all criteria pollutants?
- 6.3.3. What are the anticipated or current controls for air emissions and noise?
- 6.3.4. Have the anticipated hourly maximum and annual emissions of NO_x, SO₂, CO, VOC, and PM₁₀ been determined? If so, please provide the emission values.
- 6.3.5. What are the OEM design emission rates for NO_x, SO₂, CO, VOC, and PM₁₀ for the generating technologies prior to any planned or designed-in-place emissions control?

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What are the OEM design emission rates for NO_x, SO₂, CO, VOC, and PM₁₀ for the generating technologies in consideration of any planned or designed-in-place emissions controls?

6.4. Water/Tanks

- 6.4.1. For water supply, Bidder must describe the proposed primary source for plant raw water supply, including physical and contractual requirements to access, adequacy and availability, quality specifications and requirements, maximum design flow rates capable of meeting generating resource requirements at full load during Summer reference conditions (97 degrees Fahrenheit and 56% Relative Humidity), and a description of any available alternatives
- 6.4.2. Has a compliance plan been developed to meet Federal 316(b) regulations, if applicable? If so, please provide a copy of the compliance plan.
- 6.4.3. What is the anticipated source and estimated daily usage of water at this facility? Are there any state usage fees or taxes associated with the water source?
- 6.4.4. Has a water supply source been identified? If so please provide and describe the supply type.
- 6.4.5. Are identified water source(s) capable of supplying the maximum design requirements of the facility?
- 6.4.6. What is the daily wastewater discharge rate in mgd?

6.5. Waste

- 6.5.1. Describe the type and disposal management method for wastes generated or anticipated to be generated at the location.

6.6. Environmental Compliance (Applicable to Brownfield development sites or existing facilities except where noted)

- 6.6.1. Where are copies of any facility or site environmental audit reports maintained, including results and corrective actions? This would include audits conducted internally and externally by federal or state agencies.
- 6.6.2. Have there been any compliance actions as a result of prior environmental audit findings?
- 6.6.3. Has the facility/site received any complaints from governmental or citizen groups concerning environmental matters involving the Owner or any of its affiliates? (Greenfield development proposals prepare to respond as well)
- 6.6.4. Does the Bidder/Owner have (i) an environmental policy or statement of environmental commitment; and (ii) an environmental management system? (Greenfield development proposals prepare to respond as well). If so, please provide a copy of the policy(s).

6.7. Operations (Applicable to Brownfield sites except where noted)

- 6.7.1. Are there any proposed or pending environmental regulatory changes that would affect the plant operating status? Will facility equipment changes be required? If so, please list and describe each pending change.

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- 6.7.2. Are there any environmental authorizations that (i) limit production or throughput; or (ii) would render it necessary to increase significantly the volume of production or throughput at the facility? (Greenfield development proposals prepare to respond as well)
- 6.7.3. Have there been any discontinued operations of the Owner and any of its affiliates at the location of the facility/site?
- 6.7.4. Has an assessment been made to determine if any material capital expenditures or material expenses need to be incurred to comply with any existing environmental regulations? (Greenfield development proposals prepare to respond as well)
- 6.7.5. Has an assessment been made to determine if any material capital expenditures or material expenses need to be incurred to comply with any environmental regulations that have been proposed (whether in preliminary or final form) but have not become effective? (Greenfield development proposals prepare to respond as well)

7. Project Structure and Finance

- 7.1. Provide an overview of the projected ownership structure for the project prior to and following commercial operation.
- 7.2. A summary of the Bidder's/Developer's plan for structuring and funding the project financing.
- 7.3. Bidder's plan for meeting the credit/collateral requirements outlined in the RFP.
- 7.4. Evidence of at least one recent successful financing or that potential lenders have been engaged in initial discussions to ascertain interest, market conditions and indicative terms.
- 7.5. For project development-based proposals, Seller should describe with specificity its proposed collateral or security postings throughout the development phase (including amounts or means of determining the amounts, type(s), and other relevant information), interim development milestones, consequences for failing to meet an interim milestone, target commercial operation date, delay damages, final deadline for achieving commercial operation (which, if not met, will trigger a Buyer termination right), and Buyer's step-in and lien rights.
- 7.6. Form of collateralization Bidder or Bidder's credit support provider intends to offer for purposes of meeting the RFP credit and collateral requirements.
- 7.7. List of any plant-specific debt instruments; credit agreements, indentures, letters of credit, reimbursement agreements, guarantees, indemnity or assumption agreements and agreements relating to contingent obligations and any amendments thereto; security or pledge agreements and any agreements or instruments evidencing a lien or encumbrance on or other right with respect to any of the assets of the plant.

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- 7.8. Pro-forma financial statements for the Bidder's project and audited financial statements for the Bidder and/or the Bidder's credit support provider; including balance sheet, income statement and cash flow along with the long-term debt structure. Lien information that might impact the credit worthiness of the Bidder and/or the Bidder's credit support provider.
- 7.9. Proposal must include the following information for the Bidder and any entity that Bidder proposes as a credit support provider on its behalf ("Credit Support Provider"):
- 7.9.1. Type of Business
- Corporation
 - Limited Liability Company
 - Partnership
 - Other (describe)
- 7.9.2. Organization
- Legal Corporate Name
 - Street Address
 - City, State, Zip Code
 - Dun & Bradstreet Number
 - Federal Tax ID Number
 - Beneficial Ownership
 - List of Executives and Directors
- 7.9.3. Credit Contact
- Name
 - Title
 - Phone Number
 - Email Address
- 7.9.4. For Corporation/Limited Liability Companies
- Date and State of Incorporation/Registration
 - Street Address
 - City, State, Zip Code
- 7.9.5. For General Partnerships
- Name of General Partner
 - Address of General Partner/Registered Agent
 - City, State, Zip Code
- 7.9.6. Most recent credit rating as determined by Moody's and/or S&P (if any)
- 7.9.7. Most recent two (2) fiscal years and current fiscal year quarterly audited financial statements and accompanying notes. Please indicate which statements below are being submitted.
- 10-K
 - 8-K
 - 10-Q
 - Other (describe)

(Note that if financial information is consolidated with other entities, all data related to the Bidder or Credit Support Provider should be extracted and submitted as separate documents by the Bidder.)

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- 7.10. A list of any pending claims, actions, disputes or other proceedings currently pending or threatened against the project.
- 7.11. Copies of all bankruptcy court orders, including the order discharging the project and debtor from the bankruptcy proceedings
- 7.12. Any tax abatement agreements with state or local authorities and any amendments thereto.
- 7.13. Documents related to any formal or informal property tax protests, litigation filed, related correspondence, legal opinions received, and judicial or administrative decisions rendered during the last ten years and year-to-date, and current status of any such proceedings
- 7.14. Copies of any formal or informal property tax agreements (i.e. PILOT, TIP, etc.) with state or local authorities in force during the preceding five years, or effective in the current year or succeeding years.
- 7.15. List of all applicable tax jurisdictions, tax rates, millage rates, assessment ratios, current equalization ratio.
- 7.16. List of real estate and related facilities, both owned and leased, with legal description.
- 7.17. List of all easements, right-of-way, or other agreements for use of land or facilities entered into to for purposes of securing the ability to construct the generating facility and associated infrastructure.

8. NERC/CIP Compliance

- 8.1. Please provide a summary regarding the Bidder's compliance plan for the proposed resource that will form the basis for a more detailed plan to ensure compliance with any applicable NERC/CIP requirements for the proposed project once placed in service.

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