AUSTIN ENERGY REQUEST FOR PROPOSALS (RFP)
FM 812 Landfill Solar

Issued Date: October 7, 2025
Proposal Submission Date: November 21, 2025

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1.0 INTRODUCTION

AUSTIN ENERGY is a municipal electric utility owned and operated by the City of Austin, Texas, engaged in the generation, distribution, and transmission of electricity to over 550,000 residential, commercial and industrial customer accounts in the Greater Austin area. AUSTIN ENERGY's governing body is the Austin City Council.

AUSTIN ENERGY owns or controls over 4800 MW of resource generation capacity, either wholly owned or subject to long term Power Purchase Agreements. This diverse portfolio includes nuclear, coal, natural gas, biomass, wind, and solar. AUSTIN ENERGY participates in all aspects of the ERCOT wholesale power market for purposes of serving its load and maximizing the value of its resources.

AUSTIN ENERGY's energy supply portfolio includes over 2800 MW of renewable resource capacity with a future goal to meet the requirements outlined in AUSTIN ENERGY's Resource Generation and Climate Protection Plan to 2035 (the Plan). Based on the Plan, Austin Energy continues progress to an industry-leading goal of 100% carbon-free energy as a percentage of load by 2035. As a milestone along the way. Austin Energy sets a goal of 70% renewable energy as a percentage of load by 2030. Generation from wind, solar, and energy storage assets will comprise a significant portion of that carbon reduction goal described in the Plan.

1.1 Invitation and Overview

Project Overview

The City of Austin, Texas, d/b/a Austin Energy (AUSTIN ENERGY), is seeking cost-effective proposals from experienced Bidders for the development, engineering, procurement, construction ("EPC"), commissioning, maintenance, and warranty of a utility-scale solar photovoltaic system at the City of Austin FM 812 Landfill in Austin, Texas herein referred to as "FM 812 Solar Project" or "Project." The closed landfill site is estimated to have approximately 58 acres of usable surface area for hosting this Project. Austin Energy intends to use this to expand their existing community solar program to offset the utility bills of residents, regardless of whether they own or rent, or have a roof suitable for solar.

This Request for Proposals ("RFP") is soliciting the following Project proposals and pricing:[1]

Specifications	Description
Location	Austin, Texas (30.165692, -97.669780)
Guaranteed Commercial Operation Date ("COD")	To be determined (TBD)
Expected Delivery Date	Three Months Before COD
Useable Power – AC Power at the Point of Interconnection ("POI")	5 - 8 MW

[1] Bidders to supply pricing in Appendix D – Solar RFP Pricing Workbook (.xlsx).

POI	A new 12.47KV distribution line will be built by Austin Energy and the Project will interconnect with this line and form the Point of Interconnection (POI). The cost of building the distribution line and any necessary distribution upgrades will be borne by Austin Energy and those costs should not be factored into the proposals. The successful Bidder will need to perform both an Austin Energy and ERCOT interconnection study as part of the development and interconnection process for the Project.
POM	The Point of Measurement for project revenues, performance guarantees and Liquidated Damages ("LDs") will be the same as the Project Meter.
System Design Life	25 Years
Lease Cost	$120 per acre / per year
Use Case	The Project and EMS systems shall be able to satisfy the following required Applications: • Connect to Austin Energy's GMS system which is provided by OSI over ICCP interface • Remote Dispatch: Ability to receive active and reactive power commands from utility Supervisory Control and Data Acquisition ("SCADA") • Ability to curtail production and follow base point instructions
Scope of Agreement	Seller shall deliver, install, interconnect, and commission a turnkey Utility-Scale Solar System consisting of (list is not exhaustive): • Ballasted PV racking system • Solar PV panels • Inverters • Junction boxes • Balance-of-System (BOS) components • Internal DC and AC systems • DC wiring and conduit • AC wiring and conduit • Circuit brakers and disconnects • MV Transformers (MVT) and Switchgear(s) • Fire/smoke detection and suppression system(s) • Build Access roads • Warranty • Performance and delay guarantees • Delivery to site (DDP) • Commissioning support • Preventative maintenance or LTSA support (if applicable) • Energy Management System (EMS)

Power Purchase Agreement (PPA)	1. **Structure.** AUSTIN ENERGY will purchase the energy, capacity and environmental attributes from either or both the renewable generation and/or the stored energy and/or the carbon free generation, if offered. The PPA will contain terms and provisions governing the purchase and sale of such energy and environmental attributes delivered from selected resources. The PPA will also include terms for performance, including those associated with the completion of project milestones in order to achieve timely commercial operation, as well as terms for minimum performance standards after commercial operation has commenced. 2. **Term.** AUSTIN ENERGY will consider a term of at least 10 years up to a maximum of 25 years. 3. **Capacity.** AUSTIN ENERGY expects to acquire up to 8 MW of renewable energy and/or capacity under this RFP with energy to be purchased from either one single resource or multiple resources, including energy purchased under a firm purchase offering. 4. **Commercial Operation Date.** AUSTIN ENERGY will consider any commercial operation date that returns the best value to AUSTIN ENERGY and its customers as determined by AUSTIN ENERGY from its overall project evaluation. 5. **Performance Security/Insurance.** Upon PPA execution, the Seller will provide and maintain performance security over the contract term; the amount, form and substance of the performance security must be pre-approved by AUSTIN ENERGY after an evaluation of the Seller's financial capability. (To the extent proposed pricing may be sensitive to security requirements, please clearly describe the effect of that in your pricing offer.) The Seller will also be required to maintain adequate insurance coverage for the PPA term, in accordance with City of Austin requirements. 6. **Point of Delivery (POD).** Under the terms of the PPA, AUSTIN ENERGY will purchase energy at a POD located at: the applicable resource interconnection point into an ERCOT-registered TSP pursuant to an executed Interconnection Agreement (the POI), or as alternatives, an ERCOT regional trading hub or LZ_AEN. 7. **QSE Services/Settlement.** For energy delivered and sold at the POI, AUSTIN ENERGY will provide Qualified Scheduling Entity (QSE) services for the resource and will perform all obligations of a QSE representing a resource under ERCOT Protocols including scheduling and settlement with ERCOT. Energy delivered from the resource will be offered into the market and settled under the terms of the PPA in a manner that guarantees that AUSTIN ENERGY does not pay for and/or settle, in its role as Buyer and/or QSE, any energy deliveries during negatively priced ERCOT settlement intervals. including test or commissioning energy delivered prior to COD.

	8. **Operations, Metering & Communications.** Energy delivered at the POI will be metered at an ERCOT Polled Settlement (EPS) Meter dedicated solely to the measurement of energy sold and purchased under the PPA. AUSTIN ENERGY will not consider proposals containing split or allocated meter arrangements. The EPS meter station will include communication equipment to allow AUSTIN ENERGY to read the meter in real time from AUSTIN ENERGY's primary and backup generation management systems in Austin, Texas. All real-time communication, SCADA and telemetry equipment will be provided by the Seller at its expense and will be designed to meet both ERCOT's and AUSTIN ENERGY's equipment and data communication requirements which include, but are not limited to: a back-up revenue quality meter, an adequate data historian system, two private communication channels with related technology on both ends in order to deliver data from the resource to both AUSTIN ENERGY's main and back-up control centers in Austin, and redundant ICCP servers, routers and network equipment designed to communicate real-time information to AUSTIN ENERGY. In order for AUSTIN ENERGY to fulfill its obligations as QSE in accordance with ERCOT Protocols, at a minimum, the generating resource must have a single point of contact available on a 24/7 basis in order to respond to requests, directives, and emergency orders. AUSTIN ENERGY prefers that the real-time data transfer originate from a central dispatch & control center operated by Seller or a mutually acceptable third-party O&M provider. 9. **PPA Execution.** After successful negotiation of a mutually agreeable PPA, the Seller will execute the PPA and any related ancillary documents and return them to AUSTIN ENERGY.

Austin Energy intends to enter into an agreement with the successful Proposer to which the Proposer would build, own, and operate a system that will be fully operational upon commissioning with an expected Commercial Operation Date (COD) to be determined.

1.2 RFP Communications

Proposers must submit their Proposal(s) electronically by the aforementioned deadline to **EnergySupply@austinenergy.com** using Subject: FM 812 Landfill Solar RFP - [Company Name]. Proposal format and requirements are described in subsequent sections.

During the RFP process, any and all questions regarding the RFP must be submitted using Appendix F – Bidder QA Template to **EnergySupply@austinenergy.com**. Please note that consistent with policy, any questions submitted after 5:00 pm CT on November 4, 2025, may not be reviewed or answered. The Owner will prepare written responses and distribute a question and answer (Q&A) log to all intended Bidders.

1.3 RFP Schedule

The following table shows the tentative RFP schedule of events. Additional events may be scheduled after the RFP is distributed. Should the Schedule of Events change, the Owner will notify the Bidders, however it is the Respondent's sole responsibility to keep informed of the schedule.

Milestone	Date
RFP Release Date	**October 7, 2025**
Deadline for Respondent's Questions**	**By 5:00 p.m. CT November 4,2025**
Final Responses to Questions	**By 5:00 p.m. CT November 13, 2025**
Respondent Proposals Due	**By 3:00 p.m. CT November 21, 2025**
Shortlisted Notification	**Thursday, December 3, 2025**
Schedule Site Visit	**Week of TBD**

1.4 Non-Collusion, Non-Conflict of Interest, and Anti-Lobbying

1. Austin City Code Chapter 2-7, Article 6 relates to Anti-Lobbying and Procurement. The policy defined in this Code applies to Solicitations for goods and/or services requiring City Council approval under City Charter Article VII, Section 15 (Purchase Procedures). During the No-Lobbying Period, Offerors or potential Offerors are prohibited from making a representation to anyone other than the Authorized Contact Person in the Solicitation as the contact for questions and comments regarding the Solicitation. The Authorized Contact Person for this solicitation is Harry Briggs, who can be contacted via e-mail at **EnergySupply@austinenergy.com**.
2. If during the No-Lobbying Period, an Offeror makes a representation to anyone other than the Authorized Contact Person for the Solicitation, the Offeror's Offer is disqualified from further consideration except as permitted in City Code.
3. By submitting a proposal, Proposers agree they **have read and will abide by the City of Austin's Non-Collusion, Non-Conflict of Interest, and Anti-Lobbying requirements** found in Appendix H. Proposers understand that failure to follow local and state law requirements may result in disqualification from consideration or criminal prosecution.

1.5 Proposer Eligibility

This procurement will comply with applicable City of Austin procurement policies. Eligible Proposers are those that submit conforming Proposals as outlined in this RFP, and after evaluation by AUSTIN ENERGY, demonstrate sufficient experience and financial strength to ensure reliable delivery of energy as further detailed in this RFP, and are not otherwise suspended from contracting with the City of Austin. Proposers may make offers from one or more projects and/or product structure. Proposers may submit more than one Proposal and may submit multiple offers from the same resource.

1.6 Minority-Owned and Women-Owned Business Enterprise MBE/WBE Procurement Program

In accordance with the City of Austin's Minority and Women-Owned Business Enterprises (MBE/WBE) Procurement Program (Program), Chapters 2-9A/B of the City Code and MBE/WBE Program Rules, this Solicitation was reviewed by Austin Small and Minority Business Resources to determine if

MBE/WBE Subcontractor/Sub-Consultant ("Subcontractor") Goals could be applied. Due to insufficient subcontracting/subconsultant opportunities and/or insufficient availability of M/WBE certified firms, Austin Small and Minority Business Resources has assigned no subcontracting goals for the purchase of renewable energy under this Solicitation. However, Proposers who choose to use Subcontractors as part of the goods and/or services provided to Austin Energy under this Solicitation must comply with the standards and principles of the City's MBE/WBE Procurement Program requirements and is applicable for projects built within Austin Service area. A Statement of Responsibility is required related to potential subcontracting opportunities for the construction phase with the proposal submission. For program information, please visit the Austin Small & Minority Business Resources website at http://www.austintexas.gov/department/small-and-minority-business-resources. Additionally, if the Proposer seeks to add Subcontractors after the Contract is awarded, for goods and/or services provided to Austin Energy, the standards and principles of the MBE/WBE Program shall apply to any Contract(s) resulting from this Solicitation.

Proposers should submit an email to Austin Small & Minority Business Resources (SMBR) at SMBRComplianceDocuments@austintexas.gov to request information on the MBE/WBE Program requirements, request availability lists, forms, and report submission deadlines prior to commencing any work.

2.0 PROPOSAL DETAILS

2.1 Proprietary Data

The Proposer shall identify the page number(s) in which proprietary information is presented. All materials submitted to AUSTIN ENERGY become public property and are subject to the Texas Public Information Act upon receipt. If a Proposer does not want proprietary information to be disclosed, each page must be identified and marked Proprietary at the time of submittal. AUSTIN ENERGY will notify the Proposer if a Texas Public Information Act request regarding the proposal is received so that the Proposer may request an opinion from the Texas Attorney General's Office. Failure to identify proprietary information will result in all unmarked pages being deemed non-proprietary.

2.2 Submission Instructions

It is the Bidder's responsibility to ensure a **complete** Proposal is submitted. The following are mandatory requirements that Bidders must comply with and/or submit along with their Proposals in order to be considered by the Owner for evaluation.

Proposers must submit their Proposal(s) electronically by the aforementioned deadline to EnergySupply@austinenergy.com using Subject: FM 812 Landfill Solar RFP - [Company Name].

Submission Instructions

Documents /Sections	Review	Redline*	Submit
Section 2.3 – Proposal Requirements	X		
Appendix D – Solar Pricing Workbook (.xlsx)	X	X	X
Appendix E – Work Site Agreement	X	X	X
Appendix G – Non-Collusion Non-Conflict of Interest and Anti-Lobbying	X		
Appendix H – Austin Small & Minority Business Resources Statement of Responsibility Form			

*Bidders must submit the Work Site Agreement with comments and/or redlines in addition to the Pricing Workbook as part of the bidding process.

Proposer must submit a PDF (portable document format) of the proposal together with supporting documentation and information on or before the RFP response deadline. Please do not submit any single email containing more than 20 MB of data. If the proposal and supporting documentation contains more than 20 MB of data, please divide and submit multiple emails in order to stay below the 20 MB data limit. As an alternative, Proposers may provide proposals and/or supporting documentation and information via a secure file sharing website. Proposers using this option must submit an email by the RFP response deadline that contains access instructions to the proposed file sharing site. AUSTIN ENERGY reserves the right to reject any proposed file sharing site that it determines to be unsafe or insecure.

***Please Note: Proposers should receive an automatic email reply that the Energy Supply mailbox received your proposal. If you do not receive one, please contact Harry Briggs at* **EnergySupply@austinenergy.com** *immediately to investigate and confirm receipt.*

2.3 Proposal Requirements

The following guidelines are provided for standardizing the preparation and submission of the Proposals. The intent is to assist Bidder in the preparation of their submissions and to assist the Owner in simplifying the review process.

Executive Summary Requirements

1. Cover Letter (max 1 page)

Bidders must include a cover letter that:

- Clearly indicates the Bidder has carefully read all the provisions of the RFP
- Includes a commitment by the Bidder, if selected, to enter good faith negotiations with the Owner
- Names the person(s) authorized to represent the Bidder (including for each person their title, address, e-mail address and telephone numbers)
- Specifies the term of the pricing

2. Table of Contents

Bidder must include a navigable table of contents in the Proposal, itemizing the sections and subsections of the Proposal.

3. Introduction / Overview

Bidders must provide an executive summary that includes:

- Overview of the Projects resource including high level project specifications to include sizing, technology selection, COD, warranty and pricing
- Pricing should call out costs for EMS to interface with Austin Energy's Generation Management System (GSM) which is provided by OSI
- Summary table showing useable power and energy over 25 years
- Overview of the company (or teaming arrangement of major contractors) proposing the resource

4. Project Team and Qualifications

The Bidder must:

- Provide an organizational chart and a description of responsibilities for each entity, persons, or firms involved with the project
- Identify the overall team leader and his/her full contact information

5. Financial Capability

Provide a summary of the following:

- Full name and address of the proposing organization. Identity of parent guarantor if the proposing entity is a subsidiary.
- Proposing company ownership structure; plans for proposed operating company ownership structure, both pre and post COD.
- Names of principal officers of the organization.

- Description of the financial structure and capability of the company; please include two years of audited financial statements, including a balance sheet, statement of cash flows and income statement with Proposer's Dunn and Bradstreet number.
- **Other evidence of creditworthiness of Proposer and/or Proposer's guarantor, including its ability to obtain and secure financing for new projects and provide ongoing collateral support, its sources of equity and long-term debt, and bank/financial institution references.**
- **Profile of qualifications to do business in the State of Texas.**
- Primary contact information for individuals responsible for the Proposal and authorized to manage contract negotiations.

6. Experience

The Bidder must have experience completing similar projects, with preference given to Bidders with solar development experience on closed landfills and/or other brownfields. The Bidder must provide the following information regarding the Bidder's qualifications and experience, particularly as it relates to completed projects of a similar scope and scale:

- Recent Projects - provide a table of recent and similar projects to include:
  - Project Name, Location, Off-Taker (or buyer) and COD
  - Project Size (Power / Energy) and Applications Performed
  - Project Manager
  - Role your organization performed for the project e.g., Development, Turn-key, EPC, O&M
  - Information on any projects not completed, subject of a lawsuit or arbitration demand
- Aggregate operational solar capacity and projects undergoing construction and/or development by Bidder
- Biggest solar project in terms of installed capacity
- References for recent solar projects completed on closed landfills
  - If none, references for solar projects completed on brownfields or closed mine sites are also of interest.
- Provide a list of team members or subcontractors who will be assigned to the project and their experience in the various phases of renewable project development, including permitting, engineering, construction, operating and environmental. Please include any experience working with ERCOT and other regulatory agencies and/or utilities in the commissioning and ongoing operations of solar facilities.

7. Technology Summary

The Bidder must:

- List all major components (solar modules, racking system, Inverters, BOS equipment, transformers, fire detection and suppression system, and EMS.
- Presume that the system will be ballasted or floating on the landfill cap with no penetrations or digging within the capped areas
- Note that all resources must meet applicable regulatory and industry safety, environmental and operational standards, including but not limited to the applicable ERCOT, Texas Reliability Entity (TRE), PUC, Austin Energy, TCEQ and North American Electric Reliability Corporation (NERC) standards and requirements.
- Provide a summary for the end-of-life plan for recycling solar panels and meet any federal requirements, including demonstrable policy or approach to reduce the systems' life cycle environmental impact.

8. Safety

Bidders must provide safety information for the most recent three (3) years as follows:

- An annual statement of worker's compensation Experience Modification Rating (EMR) (preferably on National Council on Compensation Insurance (NCCI) letterhead). Bidders with an EMR > 1.3 may be disqualified. Bidders with an EMR > 1.3 should explain in detail any extenuating circumstances.
- The Occupational Safety and Health Administration (OSHA) Recordable Injury Rates (RIR) and the U.S. Bureau of Labor Statistics Standard Industrial Classification (SIC) Code average for the industry
- The OSHA citation history. Bidders with "willful" OSHA citations may be disqualified. All "willful" OSHA citations must be explained in detail.

The OSHA 300 & 300 (A) injury / illness logs. Bidders must additionally provide the following:

- An electronic copy of the Bidder's safety manual (as an exhibit)
- A statement of the Bidder's ability to provide an individual that:
  - Has completed the OSHA thirty (30) hour outreach training course
  - Will be committed and available to support the Project to be performed under the Proposal
  - Will be responsive in a timely manner for participation in safety events, analysis and/or sessions

9. Project Design Package

The Bidder must include:

- Site level one-line drawing
- Conceptual design and site layout
- Specification and data sheets from manufacturers of all major components (may submit in appendices)
- Project Design Package must consider landfill-specific design and construction constraints, including but not limited to active landfill gas collection system, active leachate collection system, active final cover system, and all applicable rules and regulations related to land use over a closed municipal solid waste landfill.
- Construction and equipment installation activities shall not penetrate, impact or otherwise compromise the integrity of the landfill's final cover system in compliance with TCEQ regulations. Installed equipment must not impede ongoing operations and maintenance activities. See Section 2.4 – "Landfill-Related Design and Construction Constraints"

10. Energy Management System

Bidders can optionally include:

- Name, make, model and version of the recommended Energy Management System (EMS)
- Number of active deployments (number of projects currently using this software)
- Number of active deployments in ERCOT
- Bidder's direct experience with the software
- Control system speed of response upon frequency detection to command sent to the PCS
- Submit any licensing agreement for third-party software
- Attach specification sheets

11. Testing

The Bidder must submit a description of the Factory Acceptance Testing (FAT), Unit Commissioning Plan and Site Acceptance Testing (SAT).

12. Maintenance, Monitoring and Spare Parts

The Bidder must also provide a detailed list of all services that will be included in the maintenance and monitoring contract. Contract performance must be evaluated annually, within 60 days of COD anniversary. The Bidder must provide the following information:

- Provide a description of all required maintenance activities during the Warranty Period, including estimated man-hours, frequency and annual cost
- Provide projected system downtime for each maintenance activity including the percentage of system offline and duration of downtime
- Provide a sample annual maintenance schedule
- Provide details of experience performing maintenance and monitoring and include a description of the 24/7 monitoring center
- Provide a description of all activities included with monitoring services during the Warranty Period and any additional options or costs

13. Training Plan

The Bidder must provide a detailed description of a training plan for the Owner's personnel and first responders including:

- Sample schedule
- Topics
- Course Materials

14. Landfill Regulatory Compliance Plan

The Bidder must provide a detailed description of a plan to comply with all applicable Texas Commission on Environmental Quality (TCEQ) rules about use of land over a closed municipal solid waste landfill (Title 30, Texas Administrative Code, Chapter 330, Subchapter T). The Bidder must provide the following information:

- Sample schedule and plan for submission of all applicable regulatory filings, applications, design packages, reports, etc. to TCEQ, including but not limited to application to modify or amend the existing landfill permit and Request for Authorization to Disturb Final Cover over Closed MSW Landfill for Non-Enclosed Structure (see Section 2.4 – Landfill-Related Design and Construction Constraints). The Notification request should detail how they will not disturb the cover if that is the intention. A permit modification will also be required to outline ongoing operational and maintenance issues.
- Description of how Project Design Package and all required ongoing operations and maintenance activities will be fully compliant with 30 TAC 330 Subchapter T.

15. Exclusions and Clarifications

Bidder must itemize and explain any general, technical and / or commercial exclusions and clarifications to the Proposal.

16. Work Site Agreement

If Bidder is successful, they must agree to the terms of the Work Site Agreement (WSA) as detailed in Appendix E. WSA ensures the Project complies with Austin Energy's diversity, prevailing wages, apprenticeship training, utilization of local workforce, and the necessary documentation and sufficient records to ensure the Project satisfies the Inflation Reduction Act's prevailing wage and apprenticeship requirements. Bidders must provide a narrative describing a detailed plan on how they intend to implement the WSA Program.

All proposals must include a statement that they are valid for a minimum period of one hundred twenty (120) days following the RFP response deadline.

2.4 Landfill-Related Design and Construction Constraints

The FM 812 Landfill was an operating permitted (Municipal Solid Waste [MSW] Permit No. 360-A) Type I solid waste disposal facility owned and operated by the City of Austin Solid Waste Services Department. The facility is located at the northwest intersection of FM 812 and FM 973 in southeast Travis County, Texas.

Approximately 58.224 acres can be utilized for the project.

* See below for the minimum clearance requirements around gas collection infrastructure which will further reduce the buildable space.

2.5 Site History

The FM 812 Municipal Waste Landfill began operations in the 1960's. The facility originally operated as a Type I landfill, accepting municipal solid waste until the opening of the Austin Bergstrom International

Airport in May 1999. The airport is approximately one mile north-northwest of the landfill. Between 1999 and 2009, the landfill operated as a Type IV landfill, accepting only non-putrescible wastes such as brush and construction debris.

In June 1998, the City of Austin received authorization from TCEQ for the installation of a landfill gas collection system. It is a voluntary system not required per regulation, but subject to the compliance requirements of a Standard Air Permit. In 2005, the landfill permit was modified to include a leachate collection system.

Ongoing operations and maintenance activities for the landfill gas collection system require maintaining at least a 15’ clearance immediately around any gas collection infrastructure above the surface and 15’ vehicle access right-of-way directly above (7.5’ on either side) of the gas distribution pipeline infrastructure below the ground. See Appendix A for detailed area maps of existing landfill gas collection system infrastructure.

In April 2009, the landfill filed a Final Closure Plan with TCEQ and commenced construction of a final cover system to provide adequate stormwater drainage of the site. The final cover consists of an 18-inch infiltration layer overlain by a minimum 6-inch-thick erosion layer for areas without a flexible membrane cover (FMC), and a minimum 12-inch-thick erosion layer in areas with an FMC.

TCEQ regulates land use over closed municipal solid waste landfills under 30 TAC 330 Subchapter T.

3.0 PROPOSAL EVALUATION

3.1 Evaluation Process

After receipt of all proposals, AUSTIN ENERGY will review and summarize them to determine which ones comply with the RFP qualifications and City of Austin purchasing policies. After that initial summary review, AUSTIN ENERGY will determine a preliminary listing of which proposals appear to meet its internal purchase goals and objectives, including the purchase of the least overall cost of energy for AUSTIN ENERGY and its ratepayers.

3.2 Evaluation Factors:

The preliminary list of proposals will be further assessed by use of integrated network power market models to identify an initial short list of proposals that appear to best meet AUSTIN ENERGY'S selection criteria. The following provides a list of evaluation factors that will be applied by AUSTIN ENERGY to the initial shortlisted proposals. The list is not necessarily all inclusive, nor does it list the factors in any order of importance:

1. Proposer Qualifications and Experience with Solution Offered
2. Financial Capability
3. Project Viability
   - Design concept and structure
   - Project schedule
   - Expected capacity factors/energy output profile
   - Expected COD
   - Ongoing operations plan
   - Ability to meet Domestic Content Requirements for the Inflation Reduction Act
4. PPA Price
5. Commitment to meeting requirements of the WSA as described in section 2.3.18 and Appendix E
6. Market References
7. Previous dealings and business relationships of the Proposer or any parent, subsidiary, affiliate, joint venture, or partner of the Proposer
8. Proposer Reputation, including commitment to the City of Austin's Imagine Austin Comprehensive Plan (available at http://www.austintexas.gov/page/imagine-austin-vision).

AUSTIN ENERGY reserves the right to request additional information or supplemental materials from Proposers to thoroughly evaluate proposals submitted in response to this RFP.

3.3 Final Shortlist/Senior Management Approval

1. After AUSTIN ENERGY'S evaluation is finished, a final shortlist will be selected. Those Proposers may be contacted for final interviews to review proposals, and make necessary clarifications and modifications, including an opportunity to provide best and final pricing offers.
2. Upon completion of final interviews and AUSTIN ENERGY'S concluding evaluation, one or more proposals may be selected for submission to AUSTIN ENERGY senior level management for

approval. If they concur, AUSTIN ENERGY staff will engage in commercial agreement negotiations with the selected finalists.

3.4 Approvals

With the final recommendation of staff and the final consent of executive management, AUSTIN ENERGY will present a summary overview of the partially executed commercial agreements to City of Austin utility advisory boards for approval, to be followed by a submission to the Austin City Council of a request for execution approval and spending authorization.

Note that in compliance with Texas Government Code Section 2252.908, AUSTIN ENERGY will not enter into any commercial agreements until the Seller has filed Form 1295 (*Disclosure of Interested Parties*) with the Texas Ethics Commission. For more information, please see:
https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

4.0 RFP DISCLAIMERS

4.1 Award of Contract and Reservation of Rights

The Owner 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 must become a part of this RFP.

No part of this RFP and no part of any subsequent correspondence by the Owner, its members, affiliates, or their respective employees, shareholders, officers, directors, agents, attorneys and advisors must be taken as providing legal, financial or other advice or as establishing a contract or contractual obligation. Contractual obligations on the part of the Owner will arise only if and when definitive agreements have been approved and executed by the appropriate parties having the authority to approve and enter into such agreements.

The Owner reserves the right to request information that is not explicitly detailed in this document, obtain clarification from Bidders concerning proposals, conduct contract development discussions with selected Bidders, conduct discussions with members of the proposal evaluation team and other support resources as described in this RFP.

The Owner reserves the right to accept one or more Proposals or reject any or all Proposals received in response to this RFP, and to waive informalities and irregularities in the Proposals received.

Under no circumstance must the Owner be responsible for the costs of preparing any responses to this RFP.

This RFP does not commit the Owner to enter into a contract, or award any services related to this RFP.

Any verbal communication with any employee of the Owner, or any of its members, contractors, affiliates, or their respective employees, shareholders, officers, directors, agents, attorneys and advisors concerning this RFP is not binding and must in no way alter any term or condition of the RFP.

No work must commence until the Owner signs a contract and the Bidder provides the necessary evidence of insurance or bonds as may be required in this RFP and the contract.

In the event the parties cannot negotiate and execute a contract within the time specified, the Owner reserves the right to terminate negotiations with the selected Bidder and commence negotiations with another Bidder.

All proposals and other documents submitted will become the property of the Owner.

4.2 Independent Contractor

Bidder agrees and understands that, if selected, it and all persons designated by it to provide services in connection with a contract, are and must be deemed to be an independent contractors, responsible for their respective acts or omissions, and that the Owner must in no way be responsible for the Bidder's actions, and that no Bidder will have any authority to bind others or to hold out to third parties, that it has such authority.

4.3 Equality of Information to Respondents

Each Bidder has been supplied with the same RFP documents. Any questions received and answers provided will be issued to all Bidders unless the nature of the question and answer is proprietary to a given Bidder. In order for a question to be treated as proprietary it must be identified as such by the Bidder submitting.