

# Request for Proposals

## RFP-UESP-2020-043

**Activity Title: “Practice and Recommendations for Cost Allocation between Electricity and Thermal Energy in co-generating facilities”**

**Issuance Date: December 23, 2020**  
**Deadline for Receipt of Questions: January 06, 2021 at 14:00**  
**Closing Date and Time: January 22, 2021 at 14:00**

*Issuance of this RFP does not constitute an award commitment on the Tetra Tech ES, Inc., nor does it commit to pay for any costs incurred in preparation or submission of comments/suggestions of a proposal. Proposals are submitted at the risk of the offerors. All preparation and submission costs are at the offeror’s expense.*

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## 1. INTRODUCTION

The purpose of this RFP is to solicit proposals for **Practice and Recommendations for Cost Allocation between Electricity and Thermal Energy in co-generating facilities** within the Scope of Work (SOW) specified in the Attachment A – Technical Specification within the Energy Security Project implementation funded by the U.S. Agency for International Development (USAID) and implemented by Tetra Tech ES, Inc. (Tetra Tech).

## 2. OFFEROR'S QUALIFICATIONS

Offeror must provide the following information and references in order to be qualified for the procurement process:

1. Company's information, including official registered title, type of business, address, and contact person information.
2. A short description of the company and of past similar experience in providing the services described in the Attached A -Technical Specification.
3. Overall technical approach to fulfill the specifications defined in Attachment A – Technical Specifications.
4. Certification that company is not owned or controlled in total or in part by any entity of any government.
5. Certification by any subcontractor engaged by the company for this project that the subcontractor is not owned or controlled in total or in part by any entity of any government.
6. The Offeror shall complete and sign the Representation and Certifications found in Attachments C to this document and include them with the Offeror's proposal. Proposals that do not include these certifications will not be considered.
7. A certificate of current cost or pricing data – Attachment D
8. Offerors listed in the Excluded Parties List System will not be considered. The Excluded Parties List can be found at <https://www.sam.gov/SAM/pages/public/searchRecords/searchResults.jsf>

## 3. SOURCE, ORIGIN AND NATIONALITY RESTRICTIONS

The USAID authorized geographic code for the Energy Security Project is 935. Code 935: Consists of any area or country including the cooperating country, but excluding the “prohibited sources”

Reference: USAID ADS Chapter 310, and all its sub-sections. These documents are available on the Internet.

## 4. SUBMISSION OF PROPOSALS

All proposals are due on **January 22, 2021** by no later than **14:00** local time in Ukraine. Proposals must be submitted via e-mail at the address **UESPprocurement@tetrattech.com** in the following formats: Adobe Acrobat and Microsoft Word and/or Excel.

All proposals must fully respond to the Technical Specifications enclosed as **Attachment A** and must include quotes in the format provided in the **Attachment B - Table 1 – Detailed Budget**. Proposals received after the above-stated due date and time will not be considered for this procurement.

## 5. QUESTIONS AND CLARIFICATIONS

All questions or clarifications regarding this RFP must be in writing and submitted, in English, to **UESPprocurement@tetrattech.com** on **January 06, 2021** no later than **14:00** local time in Ukraine. Questions and requests for clarification, and the responses thereto, will be circulated to all RFP recipients.

Only written answers from ESP Procurement Office of Tetra Tech will be considered official and carry weight in the RFP process and subsequent evaluation. Any answers received outside the official channel, whether received verbally or in writing, from employees or representatives of Tetra Tech, or any other party, will not be considered official responses regarding this RFP.

## 6. PROPOSALS PREPARATION INSTRUCTIONS

All Offerors must follow the instructions set forth herein in order to be qualified for the procurement process. If an Offeror does not follow the instructions set forth herein, the Offeror's proposal may be eliminated from further consideration or the proposal may be downgraded and not receive full credit under the applicable evaluation criteria.

Separate Technical and Cost Proposals must be submitted. All proposals should be submitted in English and be signed by Offerors.

### I. TECHNICAL PROPOSAL

The technical proposal (excluding CVs) shall not exceed **11** pages. Proposals will be scored on a 100-point scale. Available points for each evaluation factor are given below. Offerors must address each evaluation factor.

The suggested outline for the technical proposal is stated below:

#### A. Organization's Information (maximum 2 pages)

- Organization's information, including official registered title, type of business, list of offices if applicable, address, telephone, fax and website.
- Organization's DUNS number.
- Authorized point of Contact with phone number(s) and email address.

#### B. Company Technical Capability (maximum 2 pages)

Description of organization, including activities/qualifications carried out like the scope of work requested.

#### C. Technical Approach (maximum 3 pages)

Present a narrative that describes how the Offeror would implement the tasks identified in the scope of work. This narrative must also include:

- A management approach which describes how the Offeror will manage the delivery of the services and how the Offeror will interact with ESP.
- A draft work plan that outlines the proposed activities over the course of the period of performance.
- Proposed performance indicators to measure the impact of the Offeror's planned activities and the progress of the Awardees as a result of the Offeror's assistance.

Information which the Offeror considers proprietary, if any, should be clearly marked “proprietary” next to the relevant part of the text and it will then be treated as such.

**D. Proposed Staff (maximum 2 pages, excluding CVs)**

Present a narrative that includes the following:

- Team composition (names, specialties/area of expertise, position/role, etc.), with detailed bios, and task assignments to perform the activities described in the SOW.
- Curriculum Vitae (CV) for all labor categories named in the Attachment A. (CVs shall be limited to 3 pages each) that describes their experience and lists the following:
  - Affiliation/Organization
  - Education
  - Years of Professional Experience
  - Relevant Experience to the SOW in this RFP
  - Fluency in English

In addition to presenting the CVs, offerors should complete and include the table below:

Proposed Personnel’s Name, Last Name	Proposed Position Under This Assignment	Qualification	Years of Professional Experience

**E. Company Past Performance (maximum 2 pages)**

Offerors should provide a summary of relevant studies or other assignments including the Title, Client, Date, and a brief description. The qualifications section is limited to 5 of the most relevant studies or other assignments performed in the last 5 years, presented in the following table format. If the client is confidential, simply list “confidential”.

Project (task) name (title)	Description of the project (task) and services provided	Client name, phone number and email address	Dates of execution

## II. FINANCIAL PROPOSAL

### a. Detailed Budget

Offeror shall complete the **Table 1 of the Attachment B “Detailed Budget”** in order to allow Tetra Tech ES, Inc. to compare all quotes and make a competitive selection. The budget should be provided in Excel format with unlocked cells and formula.

A price must be provided for each project component to be considered compliant with this request. The price proposal should include the individual line items shown in the template, e.g., fully-burdened daily rates, travel costs, and other direct costs. Offers must show unit prices, quantities, and total price. All items, services, etc. must be clearly labeled and included in the total offered price. The price proposal shall also include a budget narrative that explains the basis for the estimate of every cost element or line item. Supporting information must be provided in sufficient detail to allow for a complete analysis of each cost element or line item. Tetra Tech reserves the right to request additional cost information if the evaluation committee has concerns of the reasonableness, realism, or completeness of an Offeror’s proposed price.

Offeror shall provide unit pricing in **US dollars (USD)**. Prices quoted in this document shall be valid for a 60-day time period, include all taxes and other costs but excluding the VAT tax originated in Ukraine.

### b. 1420 Forms for the proposed personnel

For each staff member proposed, the Offeror shall submit a completed and signed USAID 1420 forms.

USAID form 1420 can be downloaded here: <https://www.usaid.gov/forms/aid-1420-17>

### c. Proposed Billing Rates Certification

Document on company letterhead certifying the labor rates being proposed are standard rates and have been previously billed to clients for similar work.

### d. Representations and Certifications

These documents can be found in Attachments C of this RFP and must be submitted as part of the Cost Proposal.

### e. Non-government owned certification

Certification that company is not owned or controlled in total or in part by any entity of any government.

### f. Certificate of current cost or pricing data

These documents can be found in Attachments D of this RFP and must be submitted as part of the Cost Proposal.

Under no circumstances may cost information be included in the technical proposal. No cost information or any prices, whether for deliverables or line items, may be included in the technical proposal. Cost information must only be shown in the cost proposal.

## 7. EVALUATION CRITERIA

Award will be made to the offeror representing the best value in consideration of past performance, qualifications, and price factors. Technical criteria are more important than cost, although prices must be reasonable and will be considered in the evaluation. Offeror are encouraged to provide a discount to their standard commercial rates.

Tetra Tech reserves the right to conduct discussions with selected offeror (s) in order to identify the best value offer. Award of any resulting Subcontract Agreement shall be made by Tetra Tech on a best value basis. Tetra Tech reserves the right to request a test assessment from offerors to assess their qualifications.

The submitted technical information will be scored by an evaluation committee using the following technical evaluation criteria (80 points) and cost proposal (20 points).

Given the specific expertise required to perform the services in question only offers with a technical score of 60 points or more will be considered for evaluation of their cost proposals.

Proposals will be scored on a 100-point scale. Available points for each evaluation factor are given below.

#### TECHNICAL PROPOSAL (80 POINTS)

Evaluation Criteria for Technical Proposal		Points
I.	Technical Approach	30
II.	Proposed Staff	25
III.	Company Past Performance	25
<b>TOTAL</b>		<b>80</b>

#### FINANCIAL PROPOSAL (20 POINTS)

The lowest qualified financial proposal will receive the maximum score of 20 points.

The other proposals will be scored inversely proportional to their price and computed as follows:

$$S_f = 20 * F_m / F$$

where

$S_f$  = financial Score of the proposal evaluated

$F_m$  = price of the lowest priced Financial Proposal among those qualified

$F$  = price of the Financial Proposal under consideration

Offeror should submit a Detailed Budget reflecting the cost of completing the scope. Offerors shall complete the Attachment B – Detailed Budget. Labor rates quoted in this document shall be fully-burdened with all indirect costs, taxes and fee, if any. The period of performance is **16 weeks**.

Tetra Tech reserves the right to conduct discussions with selected offeror(s) in order to identify the best value offer. Award of any resulting Subcontract Agreement shall be made by Tetra Tech on a

best value basis, with evaluation of proposed price as well as proposed services and implementation schedule.

#### **8. TERMS OF PAYMENT**

Payment terms for the awarded Subcontract Agreement shall be forty-five (45) days after satisfactory completion and acceptance and of services and deliverables according to the schedule in the Table 2. Payment shall be made by Tetra Tech ES, Inc. via bank wire transfer in **Ukrainian Hryvnias** per National Bank of Ukraine exchange rate on the effective date of the subcontract **or US dollars**.

#### **9. DUNS NUMBER AND SAM.GOV REGISTRATION**

Active DUNS number or evidence of process of registering for DUNS number is required at stage of submitting proposal. DUNS Number shall be active and SAM.gov registration completed before finalization of subcontract agreement. All second-tier subcontractors must comply with the requirements outlined in the RFP, including obtaining DUNS and SAM numbers if the proposed second-tier subcontract price is above \$30,000. Only legal entities need DUNS numbers. Information regarding obtaining a DUNS number may be found here:

<https://fedgov.dnb.com/webform>

#### **10. NEGOTIATIONS**

Best offer proposals are requested. It is anticipated that a subcontract will be awarded solely on the basis of the original offers received. However, Tetra Tech reserves the right to conduct discussions, negotiations and/or request clarifications prior to awarding a subcontract. Furthermore, Tetra Tech reserves the right to conduct a competitive range and to limit the number of offerors in the competitive range to permit an efficient evaluation environment among the most highly-rated proposals. Highest-rated offerors, as determined by the technical evaluation committee, may be asked to submit their best prices or technical responses during a competitive range.

#### **11. MULTIPLE AWARDS/NO AWARD**

Tetra Tech ES, Inc. reserves the right to issue multiple awards. Tetra Tech ES, Inc. also reserves the right to issue no awards.



## **ATTACHMENT A – TECHNICAL SPECIFICATION**

**SCOPE OF WORK: Practice and Recommendations for Cost Allocation between Electricity and Thermal Energy in co-generating facilities**

**PERIOD OF PERFORMANCE: 16 weeks**

**PLACE OF PERFORMANCE: Kyiv, Ukraine**

### **1. Background**

Energy Security Project is USAID project implemented by Tetra Tech ES, Inc. Energy Security Project works with Ukrainian government, private sector, and civil society leaders to improve Ukraine's energy security, and transform Ukraine's energy sector into a modern, market-oriented, EU-integrated, engine of growth. Energy Security Project's goals include inter alia promoting Competitive Energy Markets, facilitating European Integration, strengthening Energy Independence, facilitating Renewable Energy Development, supporting Empowered Sector Regulation, increasing Public Trust and ensuring Environmental and Social Responsibility.

National Energy and Utilities Regulatory Commission is a permanent central executive body with a special status established by the Cabinet of Ministers of Ukraine. The Regulator is a collegial body that carries out state regulation, monitoring and control over the activities of economic entities in the fields of energy and utilities. The Regulator carries out state regulation in order to achieve a balance of interests of consumers, businesses operating in the fields of energy and utilities, and the state, energy security, European integration of electricity and natural gas markets of Ukraine.

Energy Security Project is providing technical assistance to National Energy and Utilities Regulatory Commission under a variety of assistance directions, including technical assistance to improve tariff regulatory framework in the district heating area.

One of specific tasks under collaboration with NEURC, is providing support to improving tariff regulatory framework for thermal energy generation. In the scope of this task, ESP will provide recommendations on revising current practices of cost allocation between thermal energy generation and power generation in co-producing facilities. The need for potential revision of cost allocation framework is stemming from the latest developments in Ukrainian power market, which is transitioning onto competitive market with effective competitive principles thereto, while the district heating sector remains under regulatory oversight in terms of costs and pricing.

The efforts of the subcontractor will support NEURC in its tariff framework improvement areas.

### **2. Objectives**

The overall objective of this assignment is to provide support to the National Energy and Utilities Regulatory Commission (NEURC) to improve tariff regulatory framework in the area of district heating. Specifically, the currently used cost allocation method for co-generating entities may request revision due to the fact that power market is under rapid transition towards competitive wholesale market which implies competition based price settlement. On the contrary, district heating sector is remaining under tight regulatory oversight and essentially governed under cost plus regulatory approach. Recognizing, that in the case of co-generating units, both power and thermal energy are produced together, using the same asset and equipment, fuel supplies, other organizational-material means, it shall be appraised that sales of two products are performed under essentially different conditions: sales of power are performed under competitive conditions, and sales of thermal energy (subsequently reverted to district heating service) is performed under quazi monopoly terms.

Interests of DH consumers in this context need to be regarded carefully. For heat customers, there is no difference whether the heat is generated from a co-generating unit (CHP) or boiler house (heat-only boiler), therefore, the heat consumer should not pay more for heat generated by means of a co-generation unit than the heat generated in a boiler house. On the other hand, the heat consumer should also benefit from co-generation, if any benefits are established. Therefore, heat consumer protection issues should be considered by selecting the proper cost allocation method.

Specifically, the subcontractor is requested to achieve the following objective: to inform on best international practices of cost allocation between power and thermal energy in case of co-generation facilities.

### 3. Scope of Work

To achieve the objective [2], the subcontractor shall implement the following scope of work:

**3.1. Analyze international practice, for gas fueled co-generation.** The subcontractor shall make analysis of international cost allocation practice between power and thermal energy activities in case of co-generation (gas fueled). The analysis of international practice shall include cases from at least 6 different countries of EU/EEA (representing different regions of Europe). Analysis of each country shall include data on co-generation role in electricity market in a given country, and role of a given co-generation unit in relevant district heating system. Recognizing, that not each country may have detailed prescriptive regulations on cost allocation, the subcontractor is expected to provide analysis of practice (practical cases), how costs are allocated between activities both in countries with detailed regulations and in countries where such regulations may not be existent and co-generation operators make cost allocation as they decide to. Such analysis shall include allocation practice for all major categories of costs, including but not necessarily be limited to generation facility(ies) asset and depreciation, maintenance and repair materials, other fixed asset, technical personnel, other personnel, administrative, fuels, losses, and others as relevant to identify rules and regularities of cost allocation between the activities in a given country. The subcontractor shall provide formulas used for cost allocation, if they are used in practice, or confirm such formulas do not exist. The analysis shall provide the principle of cost remuneration which is enacted in each analyzed country (specify for each activity). The analysis shall provide results of comparison of allocated costs to power activity v. electricity market price, in each country; shall provide results of allocated costs to thermal energy activity v. DH price in the given case (DH price shall be adjusted to transport and supply costs). For each co-generation case analyzed, the subcontractor will provide essential technical data, including but not limited to: technology employed, capacity installed MWE and MWT, efficiency % and fuel usage toe/MWh. The subcontractor shall analyze waste heat recovery pricing practices, including cost allocation practice to recovered waste heat (gas fueled) (when cogeneration facility is primarily used for industrial purposes, and heat recovered for DH purposes). The waste heat recovery cost practice shall come from at least 2 countries.

**3.2. Analyze international practice, for renewable co-generation.** The subcontractor shall make analysis of international cost allocation practice between power and thermal energy activities in case of co-generation (based on renewable sources). The analysis of international practice shall include cases from at least 6 different countries of EU/EEA (representing different regions of Europe). Analysis of each case shall include data on co-generation role in electricity market in a given country (if the country under analysis is not coinciding with any country analyzed under 3.1.), and role of a given co-generation unit in relevant district heating system. The subcontractor shall provide analysis of practice (practical cases), how costs are allocated for all major categories,

including but not necessary be limited to generation facility(ies) asset and depreciation, maintenance and repair materials, other fixed asset, technical personnel, other personnel, administrative, fuels, losses, and others as relevant to identify rules and regularities of cost allocation between the activities in a given country. The subcontractor shall provide formulas used for cost allocation, if they are used in practice, or confirm such formulas do not exist. The analysis shall provide the principle of cost remuneration which is enacted in each analyzed country (specify for each activity). The analysis shall provide results of comparison of allocated costs to power activity v. electricity market price, in each country; shall provide results of allocated costs to thermal energy activity v. DH price in the given case (DH price shall be adjusted to transport and supply costs). For each renewable co-generation case analyzed, the subcontractor will provide essential technical data, including but not limited to: technology employed, capacity installed MWE and MWT, efficiency %, fuel type and fuel usage toe/MWh.

**3.3. Legal framework analysis.** The subcontractor shall analyze enacted legal-regulatory framework for cost allocation between cogeneration activities in all analyzed countries [under 3.1. and 3.2.], differentiating provisions applicable for gas based cogeneration cases and for renewable based cogeneration cases (if such differences exist). The subcontractor shall include into legal analysis cost allocation to waste heat recovery, for cogeneration cases, if costs of such activity is regulated. If such a regulation is not existent, the subcontractor will state explicitly. The subcontractor shall provide general principles encrypted in legal-regulatory basis or confirm that such legal principles are non existent in a given country. The subcontractor shall provide cost allocation rules, regulations and formulas, when they exist in legal-regulatory acts. The subcontractor is expected to supply references to legal-regulatory acts analyzed and provided in the report.

**3.4. Recommendations for Ukraine case.** The subcontractor will develop recommendations to Ukrainian framework on cost allocation between power and thermal energy activities, based on the findings of the analysis and the challenges Ukraine is facing in electricity and DH sectors.

The subcontractor may propose enlarging the scope of the analysis with additional indicators if additional indicators are relevant to building a solid cost allocation framework for cogeneration units. The subcontractor will report to ESP District Heating Sector Lead.

#### **4. Deliverables and Due Dates**

The successful offeror shall deliver to Tetra Tech the following, in accordance with the schedule set forth below.

**Deliverable 1.** First draft Report on Best International Practices and Recommendations for Cost Allocation between Electricity and Thermal Energy in co-generating facilities

The Report shall follow the structure and requirements under SOW 3.1., SOW 3.2. and SOW 3.3.

**Deliverable 2.** Second draft Report on Best International Practices and Recommendations for Cost Allocation between Electricity and Thermal Energy in co-generating facilities

The Report shall follow the structure and requirements under SOW 3.1., SOW 3.2., SOW 3.3. and SOW 3.4.

**Deliverable 3.** Final Report on Best International Practices and Recommendations for Cost Allocation between Electricity and Thermal Energy in co-generating facilities

The Report shall follow the structure and requirements under SOW 3.1., SOW 3.2., SOW 3.3. and SOW 3.4.

**Deliverable 4.** Presenting the findings of the Report to ESP team

The subcontractor will make an internal presentation of the Report to ESP team. The subcontractor may be requested to include into the Report comments received during the internal presentation to ESP team, if any.

**Deliverable 5.** Presenting the findings of the Report to NEURC and other stakeholders

The subcontractor will make presentation to NEURC and other stakeholders, if relevant, in a dedicated meeting.

<b>Deliverable Number</b>	<b>Deliverable Name</b>	<b>Due Date</b>
1	First Draft: Report on Best International Practices and Recommendations for Cost Allocation between Electricity and Thermal Energy in co-generating facilities	6 weeks after contract signing
2	Second Draft: Report on Best International Practices and Recommendations for Cost Allocation between Electricity and Thermal Energy in co-generating facilities	10 weeks after contract signing
3	Final: Report on Best International Practices and Recommendations for Cost Allocation between Electricity and Thermal Energy in co-generating facilities	12 weeks after contract signing
4	Presenting the findings of the Report to ESP team	13 weeks after contract signing
5	Presenting the findings of the Report to NEURC and other stakeholders	Within 16 weeks after signing the contract

**ATTACHMENT B – DETAILED BUDGET**
**PROPOSED DETAILED BUDGET**
**TABLE 1 – Overall Subcontract Detailed Budget**

Cost element	unit cost	Total units	cost
<b>Total Direct Labor</b>			
<b>LABOR (rate; level of effort; total)</b>			
Title,Labor Category - Name, Last Name (Full time / Short Term)	\$0.00	days	\$ -
Title,Labor Category - Name, Last Name (Full time / Short Term)	\$0.00	days	\$ -
Title,Labor Category - Name, Last Name (Full time / Short Term)	\$0.00	days	\$ -
Title,Labor Category - Name, Last Name (Full time / Short Term)	\$0.00	days	\$ -
<b>Subtotal Direct Labor</b>			<b>\$ -</b>
<b>Travel, Transportation &amp; Per Diem</b>			
Airfare	\$0	0 trips	\$ -
Per Diem Meal	\$0	0 days	\$ -
Per Diem Lodging	\$0	0 days	\$ -
Travel Miscellaneous	\$0	0 trips	\$ -
Insurance	\$0	0 people	\$ -
Local Ground Transportation	\$0	0 days	\$ -
Communications	\$0	0 trips	\$ -
<b>Subtotal Travel, Transportation &amp; Per Diem</b>			<b>\$ -</b>
<b>Other Direct Costs/Інші прямі витрати</b>			
<b>Subtotal Other Direct Costs</b>			<b>\$ -</b>
<b>TOTAL ESTIMATED COST</b>			<b>\$ -</b>

\*LOE = Level of Efforts, budgeted number of days assigned for the work

Rate = fully loaded daily rate

Prices quoted must be valid for **60** days, and account for ALL remuneration, per diem, travel, communications, report reproduction and other out-of-pocket expenses, taxes and other costs, but excluding the VAT tax that may be originated in **Ukraine**. On this basis Tetra Tech will issue a **Fixed Price Subcontract**, and payment shall be based upon acceptance of services and deliverables described in the Table 2.

**TABLE 2 – Payment schedule**

<b>Offeror Deliverable</b>	<b>Expected Due Date</b>	<b>Fixed Price Payment Amount</b>
1. First Draft: Report on Best International Practices and Recommendations for Cost Allocation between Electricity and Thermal Energy in co-generating facilities	...	20%
2. Second Draft: Report on Best International Practices and Recommendations for Cost Allocation between Electricity and Thermal Energy in co-generating facilities	...	20%
3. Final: Report on Best International Practices and Recommendations for Cost Allocation between Electricity and Thermal Energy in co-generating facilities		20%
4. Presenting the findings of the Report to ESP team		20%
5. Presenting the findings of the Report to NEURC and other stakeholders		20%

## ATTACHMENT C – REPRESENTATIONS AND CERTIFICATIONS

### Offeror Representations and Certifications

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#### 1. Organizational Conflict of Interest Representation

The offeror represents, to the best of its knowledge and belief, that this award:

does [ ] or does not [ ] involve an organizational conflict of interest.

*Please see FAR 52.209-8 for further explanation.*

#### 2. Data Universal Numbering System (DUNS) Number (required if cost proposal is more than USD \$30,000)

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*(please use one box per number or dash)*

#### 3. Source and Nationality of Goods and Commodities

(i) This is to certify that the Offeror is:

- a. an individual who is a citizen or legal resident of \_\_\_\_\_.
- b. a corporation or partnership organized under the laws of \_\_\_\_\_.
- c. a controlled foreign corporation of which more than 50% of the total combined voting power of all classes of stock is owned by United States shareholders; or
- d. a joint venture or incorporated association consisting entirely of individuals, partnerships or corporations. If so, please describe separately the citizenship or legal status of the individuals, the legal status of the partnership or corporations, and the percentage (%) of voting power of the corporations.

(ii) This is to certify that the **Source** (the country from which a commodity is to be shipped from) of the Equipment to be supplied under this Order is:

*name of country or countries*

#### 4. 52.204-24 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment (Aug 2020).

The Offeror shall not complete the representation at paragraph (d)(1) of this provision if the Offeror has represented that it “does not provide covered telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument” in the provision at [52.204-26](#), Covered Telecommunications Equipment or Services—Representation, or in paragraph (v) of the provision at [52.212-3](#), Offeror Representations and Certifications-Commercial Items.

(a) *Definitions.* As used in this provision—

*Backhaul, covered telecommunications equipment or services, critical technology, interconnection arrangements, reasonable inquiry, roaming, and substantial or essential component* have the

meanings provided in the clause [52.204-25](#), Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

*(b) Prohibition.*

(1) Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. Nothing in the prohibition shall be construed to—

(i) Prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(ii) Cover telecommunications equipment that cannot route or redirect user data traffic or cannot permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(2) Section 889(a)(1)(B) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2020, from entering into a contract or extending or renewing a contract with an entity that uses any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. This prohibition applies to the use of covered telecommunications equipment or services, regardless of whether that use is in performance of work under a Federal contract. Nothing in the prohibition shall be construed to—

(i) Prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(ii) Cover telecommunications equipment that cannot route or redirect user data traffic or cannot permit visibility into any user data or packets that such equipment transmits or otherwise handles.

*(c) Procedures.* The Offeror shall review the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov>) for entities excluded from receiving federal awards for “covered telecommunications equipment or services”.

*(d) Representation.* The Offeror represents that—

(1) It  will,  will not provide covered telecommunications equipment or services to the Government in the performance of any contract, subcontract or other contractual instrument resulting from this solicitation. The Offeror shall provide the additional disclosure information required at paragraph (e)(1) of this section if the Offeror responds “will” in paragraph (d)(1) of this section; and



(2) After conducting a reasonable inquiry, for purposes of this representation, the Offeror represents that—

It  does,  does not use covered telecommunications equipment or services, or use any equipment, system, or service that uses covered telecommunications equipment or services. The Offeror shall provide the additional disclosure information required at paragraph (e)(2) of this section if the Offeror responds “does” in paragraph (d)(2) of this section.

(e) *Disclosures.*

(1) Disclosure for the representation in paragraph (d)(1) of this provision. If the Offeror has responded “will” in the representation in paragraph (d)(1) of this provision, the Offeror shall provide the following information as part of the offer:

(i) For covered equipment—

(A) The entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the original equipment manufacturer (OEM) or a distributor, if known);

(B) A description of all covered telecommunications equipment offered (include brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); and

(C) Explanation of the proposed use of covered telecommunications equipment and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(1) of this provision.

(ii) For covered services—

(A) If the service is related to item maintenance: A description of all covered telecommunications services offered (include on the item being maintained: Brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); or

(B) If not associated with maintenance, the Product Service Code (PSC) of the service being provided; and explanation of the proposed use of covered telecommunications services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(1) of this provision.

(2) Disclosure for the representation in paragraph (d)(2) of this provision. If the Offeror has responded “does” in the representation in paragraph (d)(2) of this provision, the Offeror shall provide the following information as part of the offer:

(i) For covered equipment—

(A) The entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the OEM or a distributor, if known);



(B) A description of all covered telecommunications equipment offered (include brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); and

(C) Explanation of the proposed use of covered telecommunications equipment and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(2) of this provision.

(ii) For covered services—

(A) If the service is related to item maintenance: A description of all covered telecommunications services offered (include on the item being maintained: Brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); or

(B) If not associated with maintenance, the PSC of the service being provided; and explanation of the proposed use of covered telecommunications services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(2) of this provision.

By signing below, the Offeror certifies that the representations and certifications made, and information provided herein, are accurate, current and complete.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of and title of authorized signature: \_\_\_\_\_



**ATTACHMENT D – CERTIFICATE OF CURRENT COST OR PRICING DATA**

This is to certify that, to the best of my knowledge and belief, the cost or pricing data (as defined in section 2.101 of the Federal Acquisition Regulation (FAR) and required under FAR subsection 15.403-4) submitted, either actually or by specific identification in writing, to Tetra Tech in support of [Firm/Organization] are accurate, complete, and current as of [DATE]. This certification includes the cost or pricing data supporting any advance agreements and forward pricing rate agreements between the offeror and the Government that are part of the proposal.

Firm: \_\_\_\_\_

Signature: \_\_\_\_\_