



Request for Proposals



Evergy, Inc.

2023 All Source Request for Proposals

**ISSUED FOR BID
1/18/2023**





REQUEST FOR PROPOSALS

FOR

POWER SUPPLY GENERATION CAPACITY AND ASSOCIATED ENERGY

ISSUED 01/18/2023

PROPOSALS DUE 02/23/2023

PREPARED BY

1898 & CO.

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1 OVERVIEW

1.1 Project Requirements

Evergy, Inc. (Evergy) and its operating utility subsidiaries are issuing this Request for Proposals (RFP) to solicit offers from interested parties (Respondents) with the intent of securing Proposals for generation and storage projects with a Commercial Operation Date (COD) on or before December 31, 2026. All projects must be able to connect with Evergy's system within the Southwest Power Pool (SPP). Projects located in Kansas/Missouri in or near Evergy's service territory are preferred.

In accordance with Evergy's commitment to reliability, affordability, and sustainability, they are seeking Proposals to fulfill energy needs identified in the 2022 annual update to the 2021 triennial Integrated Resource Plan (IRP) as well as capacity needs in the SPP integrated market. In addition to these needs, projects able to help meet Evergy's targets for a 70% CO₂ reduction by 2030 and a net-zero by 2045^{1,2} are preferred. This includes primarily projects that will provide long-term, low-carbon energy to Evergy's service territory.

1.2 Company Information

Evergy, Inc. (NASDAQ GS: EVRG) serves approximately 1.6 million customers in Kansas and Missouri. Evergy generates nearly half the power we provide to homes and businesses with emission-free sources. Evergy supports its local communities where its members live and work and strive to meet the needs of our customers through energy savings and innovative solutions. Evergy serves its retail customers through three vertically integrated regulated utilities: Evergy Kansas Central, Evergy Metro and Evergy Missouri West.

Evergy Kansas Central, Inc. (Evergy Kansas Central) is an integrated, regulated electric utility that provides electricity to customers in the state of Kansas. Evergy Kansas Central has one active wholly owned subsidiary with significant operations, Evergy Kansas South, Inc. (Evergy Kansas South). Evergy Kansas Central is regulated by the Kansas Corporation Commission.

Evergy Metro, Inc. (Evergy Metro) is an integrated, regulated electric utility that provides electricity to customers in the states of Missouri and Kansas. Evergy Metro is regulated by the Kansas Corporation Commission and the Missouri Public Service Commission.

¹ <https://www.evergy.com/-/media/documents/smart-energy/irp-executive-summary.pdf>

² <https://investors.evergy.com/static-files/d5084096-1f3f-44f2-9716-d4ef81ee54f7>

Evergy Missouri West, Inc. (Evergy Missouri West) is an integrated, regulated electric utility that provides electricity to customers in the state of Missouri. Evergy Missouri West is regulated by the Missouri Public Service Commission.

1.3 Role of 1898 & Co.

In connection with this Request for Proposals (RFP), Evergy has retained the services of an independent third-party, 1898 & Co., a part of Burns & McDonnell Engineering Co. Inc., to support the RFP process and work with Evergy to coordinate communications and perform the quantitative and qualitative evaluations of all Proposals. However, Evergy will make all final decisions at its sole discretion regarding this RFP.

All Respondents will interface with 1898 & Co. alongside Evergy for all communications related to this RFP including questions, RFP clarification issues, and RFP Proposal submittal.

1.4 RFP Website

All communications related to this RFP including questions, RFP clarification issues, and RFP Proposal Submittal will be hosted through the RFP website, monitored by 1898 & Co. The website is located at evergy2023RFP.rfpmanager.biz and should be referenced for all additional details about the RFP.

In addition to the website, an 1898 & Co.-monitored email address, evergy2023RFP@1898andco.com, will be available for communication regarding RFP materials. **Neither 1898 & Co. nor Evergy will respond to any communications about the RFP outside of the above website/email address.** Any attempts to communicate with 1898 & Co. or Evergy outside of these channels may result in disqualification.

2 INFORMATION AND SCHEDULE

2.1 Information Provided to Potential Respondents

This RFP document and all its Appendices and forms are available on the RFP website, evergy2023RFP.rfpmanager.biz. Interested parties are expected to download information related to the RFP with its required forms and complete the forms in Microsoft Word, Excel (all formulas included and unlocked), and/or PDF format. Respondents should submit properly completed forms by the specified deadline to the RFP website, evergy2023RFP.rfpmanager.biz. Proposals that are nonconforming or incomplete may be deemed ineligible at Evergy's sole discretion and may not be considered for further evaluation.

By submitting a Proposal in response to this RFP, Respondent certifies that it has not divulged, discussed, or compared any commercial terms of its

Proposal with any other party (including any other Respondent and/or prospective Respondent), and has not colluded whatsoever with any other party.

2.2 RFP Schedule

The following schedule and deadlines apply to this RFP. Evergy reserves the right to extend or otherwise modify any portion of this schedule at any time or terminate the RFP process at its sole discretion.

Milestone	Completed by Date
Issue RFP	January 18, 2023
Submit Appendix A and B with intent to bid	January 31, 2023, 5:00 PM CST
Pre-bid conference*	February 7, 2023, 9:00 – 10:00 AM CST
Submit all questions	February 21, 2023, 5:00 PM CST
Bids and payment due	February 28, 2023, 5:00 PM CST
Shortlist selected	April 4, 2023
Final negotiations complete	TBD
Expected Notice to Proceed (NTP)	TBD
Latest COD	December 31, 2026

2.3 Pre-Bid Conference

A virtual pre-bid conference will be held on February 7, 2023, from 9:00 – 10:00 AM CST. Respondent attendance is **highly encouraged**. Prospective Respondents may request details, submit questions, and sign up for the conference at evergy2023RFP.rfpmanager.biz. Once the pre-bid conference is complete, questions and answers will be posted to the FAQ section of the RFP website.

2.4 Questions

All questions regarding this RFP should be submitted in writing to the RFP website, evergy2023RFP.rfpmanager.biz. All relevant submitted questions will be answered on the FAQ page of the website as soon as practical, except for those containing sensitive bidder information which will be submitted directly to Respondent. Written questions will be accepted until five (5) business days before the date on which Proposals are due. Relevant answers to questions regarding this RFP process will be available to all bidders on the website's FAQ page. All questions will remain confidential and omit names of Respondents and other proprietary information.

3 GENERAL REQUIREMENTS

3.1 Respondent Pre-Qualification

To be eligible to submit a Proposal in response to this RFP, Respondents must be pre-qualified. To pre-qualify, Respondents must submit a Confidentiality Agreement (Appendix A) and Pre-Qualification Form (Appendix B) through the RFP Website no later than January 31, 2023, and receive confirmation that they are pre-qualified to submit a Proposal.

The following subsections detail the requirements a bid must meet to be considered as conforming and considered for evaluation within this RFP process. Evergy may reject, without further review, any Proposals that do not meet these standards.

3.1.1 Technology Types

All proven technology types will be accepted for evaluation within the scope of this RFP, so long as generation can be delivered to Evergy within SPP. Technology types that will be evaluated include, but are not limited to:

- Wind
- Solar PV
- Stand-Alone Energy Storage Systems
- Energy Storage Systems partnered with any Generation Asset
- Conventional gas fired generation resources like, Combined Cycles, Combustion Turbines, and Reciprocating Internal Combustion Engines
- Other Technologies

Projects offered must include a cold weather package, if applicable, with optionality for an extreme cold weather package.

3.1.2 Size

All Respondents are asked to price new generation and/or storage project(s) with a nameplate rating not to be less than 50 MW each. There is no upper limit on nameplate rating for project submissions.

3.1.3 Commercial Operation Date (COD)

Only projects with a COD on or before December 31, 2026, will be considered for this RFP process.

3.1.4 Permitted Bid Structures

In accordance with Evergy's goal of securing long-term generation capacity for its territory, Evergy will only consider Proposals that include a Build Transfer Agreement (BTA) or other structure that culminates in asset acquisition by Evergy.

Additionally, Evergy will consider Power Purchase Agreements (PPAs) so long as the following criteria are met:

- The PPA bid is submitted as an accompaniment to at least one valid bid of any structure listed above.
- Initial term length may be of any duration but must include optionality for Evergy to extend duration to a minimum of 15 years.
- The submittal meets all other criteria as provided within this RFP.

PPA offers that are submitted as a standalone bid will be rejected without further review.

3.1.5 Location

This RFP requests Proposals for projects located within the SPP service territory. All Proposals in response to this RFP must have the capability of being registered by Evergy as a generation or storage resource in SPP. Pre-qualification information must include identification of proposed interconnection points and status of the generation interconnection agreement (e.g., interconnection status in SPP queue, costs currently assigned, etc.). Projects located in Kansas/Missouri in or near Evergy's service territory are preferred.

3.1.6 Proposal Validity Duration

Proposal pricing must be valid for six months following Respondent due date. This RFP requests Proposals that consist of firm fixed pricing and quantities.

3.2 Proposal Evaluation Fee

For each proposed project site submitted by a Respondent, a non-refundable bid entry fee shall be paid. The fee for evaluating each Proposal for a generation facility is \$5,000. This sum will serve to defray evaluation costs by Evergy and limit extraneous Proposals.

A single Proposal fee allows Respondent to offer both a BTA and an accompanying PPA for the same proposed resource. Variations to project/Proposal characteristics listed below are required to be submitted via a separate Proposal and additional Proposal fee:

- Pricing variations

- Term of transaction
- In-service date
- Technology
- Site/Location of facility
- Size/Capacity

3.3 Multiple Proposals

If Respondent is submitting multiple Proposals for different assets, Respondent must indicate whether multiple projects can be developed in parallel and whether this would impact timelines or cost. Respondent is also asked to provide bundled pricing options for the purchase of multiple projects where possible.

3.4 Completeness and Accuracy of Proposal

Evergy requests that all Proposals are as complete and accurate as possible. A complete Proposal will include all documentation as provided for in Section 4 of this document.

Any Proposal deemed by Evergy to be incomplete may be dismissed at Evergy's sole discretion without further evaluation.

4 PROPOSAL CONTENT REQUIREMENTS

This section details Evergy's expectations and requirements for the RFP bids for all Proposals as listed in Subsection 3.4.

All Proposals are required to include the following information:

- Executive summary
- Completed Economic Specification Appendix
- Any necessary technical specification appendices
- Licensing and Permitting
- Site and Project Information/Layout
- Reliability and Technical Specifications
- Environmental Studies
- Interconnection Studies

- Project/Construction Schedule
- Operation and Maintenance Offerings
- Decommission Studies
- Financing Plan and Payment Schedule

The following subsections describe how this information should be reported to provide for the greatest opportunity to be evaluated fairly.

4.1 Executive Summary

The executive summary must include details about the project's characteristics and timeline, including any unique aspects and benefits. Proposals should include details on any community engagement activities implemented to build local community acceptance. Proposals should include how the Inflation Reduction Act of 2022 (IRA) has impacted project submittals and costs. Proposals should indicate which acquisition structure(s) are being proposed and provide bundled pricing options where possible if multiple projects are being offered.

4.2 Facility Information

All Proposals **must** include the completed economic and technological data sheets, located in Appendix C and Appendix D. These Appendices must be completed in their entirety and may not be substituted for any similar data forms. Respondents must address the following topics:

4.2.1 Economic Data Form

All Respondents are asked to provide detailed pricing information within Appendix C for each bid and variation submitted (including differences in term length, storage additions, acquisition structure, etc.). Information requested therein includes useful life, economic assumptions (including IRA credits received), capacity, purchase and transmission costs, operation and maintenance (O&M) costs, storage fees, escalation, and annual guaranteed energy and capacity factors.

All information reported in Appendix C will be used directly to quantify price factor scoring for bids. As such, any project or cost variations submitted without Appendix C will be deemed incomplete and may be dismissed without further evaluation.

4.2.2 Project/Technical Specification Data Form

Proposals shall include reports which discuss the largest project risks (from Respondent's viewpoint), and studies which include (but are not limited to) monthly average energy output analysis of project asset, and external factors

that may impact production. The study must include at a minimum the following information.

4.2.2.1 Renewable Asset Information

- Make and model of technology
- Detailed topographic map of project area with facility locations
- Proposed collection system routing and interconnection facilities location
- Turbine power curve utilized, and description of any adjustments made to the power curve (if applicable)
- Description of methodology employed to calculate energy losses due to array effects (if applicable)
- Clear breakdown of applied energy loss factors (if applicable)
- Projected electrical collection system losses to the point of delivery (if applicable)
- On-site hourly predicted energy output for the past 3 years based upon MET tower data (wind assets), proposed turbine power curve (wind assets), on-site solar irradiance data or site-specific nationally recognized external solar irradiance and temperature resources (solar assets), annual degradation, and annual loss factors
- Annual P50, P75 and P90 energy production estimates during the first five years of the useful life of the project

4.2.2.2 Energy Storage Asset Information

- Storage technology and major components
- Guaranteed storage capacity (MW)/ storage energy (MWh)
- Expected capacity degradation per year (% of MW)
- Discharge rate (standby and shutdown)
- Manufacturers operating specifications
- Daily/monthly/annual cycle limitations
- Daily/monthly/annual energy throughput limitations
- Safety specifications and fire protection requirements

- Communications and control plan describing storage system data – including state of charge, power charge/discharge status, asset health indicators, and storage system control

4.2.2.3 Thermal Generation Resource Information

- Generation type and major equipment, including turbines, heat recovery, emissions control, etc.
- Ramp up/down rates
- Fuel consumption rates
- Base load emissions
- Estimated water consumption
- Fuel supply descriptions
- Plant performance, including heat rates, plant outputs, etc. in ISO, summer, winter conditions

4.2.3 Licenses and Permits

Proposals shall include a description and status of all significant licenses and permits required to construct and operate the resource and the status of acquiring and/or completing such licenses and permits in Appendix D.

4.2.4 Site Information

Proposals will include the name and location of the site, benefits and reasons for selecting this site, and proposed land rights. Proposal must include a .pdf map of the site detailing fully executed leases, easements, or option agreement to lease the property or convey land rights to Respondent and general terms for any agreements Respondent is using or intends to use. A .kmz file shall also be included.

The IRA includes provisions allowing for additional tax credits for certain low-emission technology types located in an “Energy Community.” Bidders should notify Evergy whether their project meets energy community requirements and provide county/coordinate information for verification.

4.2.5 Project Layout

Proposals shall include anticipated placement of generation and/or storage assets and other project facilities, including transmission layouts and the Point of Interconnect. The locations of all assets will be described using latitude and longitude co-ordinates.

4.2.6 Reliability

Proposals must include the technical specifications, numbers, and manufacturers of the proposed generation equipment. Proposals must also include a summary of the commercial operating experience of the chosen equipment including OEM, installed capacity of the asset model, the warranty terms for the asset that would be expected from the manufacturer, a description of the supervisory control and data acquisition (SCADA) system and power regulation capabilities real-time telemetering data. If the chosen equipment contains a cold weather package, Respondent must provide current temperature limits and the price of adding a cold weather package if not included in the base price. In the case where final equipment has not been selected, list the models that are under consideration and the method being used to select the final model.

4.2.7 Environmental Considerations

Proposals shall include a list of any environmental studies conducted, determined by technology type. It is the responsibility of Respondent to identify any potential environmental concerns and provide study results demonstrating mitigation strategies to the permitting and development of the asset.

4.2.8 Interconnection

Proposals shall include copies of all studies prepared or required by SPP. Proposals shall include the DISIS request number, if the study is completed and the estimated interconnection costs. If no such studies have been completed, the Proposals should include any studies prepared by qualified consultants. Proposals shall indicate the level of Network Resource Interconnection Service to be obtained for the project.

4.2.9 Project and Construction Schedule

Proposals shall include schedules that outline major milestones such as completion of permitting, financing, regulatory requirements, procurement, major construction, commissioning and regulatory testing, commercial operation date, etc. Evergy requires commercial operation dates on or before December 31, 2026.

4.2.10 Operation and Maintenance

- Respondents shall provide details on any optional operation and maintenance services and provide associated costs.
- Respondent shall provide a proposed design and pricing for an operations and maintenance building.

4.2.11 Decommissioning

Respondents shall include the proposed decommissioning plan along with any decommissioning studies that have been completed. At a minimum, a description of the plan to remove equipment and how this plan meets the requirements of applicable agreements or permit conditions should be included.

4.2.12 Financing Plan and Payment Schedule

Respondents shall include a proposed financing plan for the project, including but not limited to any condition precedent agreement(s) it has utilized in similar past transactions. Financing plans should include any pertinent IRA tax considerations and evidence showing Respondent's ability to meet the requirements necessary to obtain credits.

For BTA options, Evergy requests the submission of a BTA payment schedule, which should be comprised of three separate payments; one at Mechanical Completion, the next at Substantial Completion (also referred to as COD), and the last at Final Completion.

5 RFP EVALUATION PROCESS AND SELECTION

Proposals will be evaluated by 1898 & Co. and Evergy to determine the Proposal's alignment with the directives of this RFP bid criteria and Respondent's credit risk. Proposals may be eliminated for non-conformance or due to credit risk.

If the Proposal passes the initial evaluation, 1898 & Co. and Evergy will conduct a two-stage process as part of its proposal evaluation and selection process. In the first stage, 1898 & Co. will conduct price, economic benefit, and non-price analyses designed to identify the best aligned Proposals. Evergy will select a shortlist based on those Proposals which have the highest overall score based on an evaluation of price, economic benefit, and non-price factors.

In the second stage, Respondents of shortlisted Proposals will have the opportunity to refine their submissions. The final Proposals will be modeled and evaluated based on the impact of the Proposals on Evergy's overall system costs. A more detailed description of each stage of the process is provided below.

5.1 First stage: Development of Initial Shortlist

1898 & Co. and Evergy will evaluate each Proposal in a consistent manner by separately evaluating the price characteristics and qualitative factors.

Price factors will recognize the value of the power associated with the delivery profile submitted in the Proposal and the capacity needs filled by any proposed resource. The information submitted through the economic data sheet will be used as inputs in the pricing model.

Qualitative factors considered in scoring fall into four general categories:

- Alignment with Evergy's Long Term Energy Goals
- Project Risk Mitigation Factors
- Bidder History/Credit
- Environmental, Economic, and Community Impacts

The price, economic benefit and non-price evaluations will be added together and used to determine the initial shortlist. The initial shortlists in this RFP will be made up of the highest scoring Proposals.

5.1.1 Price Factor Evaluation

A pricing model will be used to calculate the Levelized Cost of Electricity (LCOE) per MWh value of each Proposal, except storage assets, based on the price factors. To mitigate LCOE differences in differing technology types, Levelized Cost of Capacity (LCOC) per MW will be utilized as an additional metric.

The LCOE will be determined by dividing the levelized revenue requirements by the levelized expected annual MWh. LCOC will be determined by dividing the levelized revenue requirements by the levelized accredited MW capacity. Storage-only projects will be evaluated solely by LCOC and will be categorized separately.

Respondents are strongly encouraged to include as much benefit as feasible from the IRA tax credits in their Proposals. While utilization of tax credits is not a direct scoring criterion in the RFP process, price factor evaluation of bids will strongly favor projects that provide reduced costs to Evergy via strategic implementation of credits.

5.1.2 Non-Price Factor

The primary purpose of the non-price analysis is to help gauge the factors related to the Proposal which are outside of price. The scorecard will be used to score the non-price criteria under four categories: (1) alignment with Evergy's long-term energy goals (2) project risk mitigation strategies (3) historical performance and credit of bidder and (4) environmental, economic, and community impacts. The criteria for each of these four categories are set forth below:

Category 1 – Alignment with Evergy's Long Term Energy Goals

- Congruency with Evergy carbon goals

- Evergy dispatchability
- Flexibility of resource
- Bid structure (favoring Evergy ownership)

Category 2 – Project Risk Mitigation

- Site control/optionality
- Interconnection queue status
- Project development status
- Supply chain guarantees
- Location
- Permits and zoning
- Inflation Reduction Act credit verification (applicable technologies only)
- Fuel risk (thermal only)
- Operational control

Category 3 – Bidder History/Credit

- Credit and financial plan (includes Inflation Reduction Act implications)
- Development experience for project type offered
- Liquidated damages for non-performance (preferred; greater of \$15M or \$5M/50 MW nameplate capacity)
- Safety history and standards

Category 4—Environmental, Economic, and Community Impacts

- Land use, environmental mitigation, special use requirements
- Noise management
- Natural/biological resources
- Visual impact

- Soil erosion and water quality
- Cultural, archaeological, paleontological considerations
- Phase I or II Environmental Site Assessment reports
- Community jobs/economic benefit
- Supplier diversity*
- Service territory location
- Community engagement, public interaction, socioeconomic impacts
- Clean energy access

*“Diverse Suppliers” shall include businesses in the following categories: Small Business, Minority-Owned Business Enterprise, Woman-Owned Business Enterprise, Disabled Business Enterprise, Veteran Owned Business Enterprise, Disabled Veteran Owned Business Enterprise, Service-Disabled Veteran Business Enterprise, HUBZone Small Business, 8(a) and Small Disadvantaged Business.

5.2 Second stage: Best and Final Pricing

Respondents of Proposals selected for the shortlist will have an opportunity to refresh their offers to consider further development of the project or updated pricing for equipment or other costs from the time the initial Proposal was submitted to the time of “best and final” offer. Respondents are encouraged to lower their pricing or look for opportunities to enhance their production profiles (based, for example, on changes to equipment) and other means to increase the value of their Proposals to Evergy.

Respondents offering the same capacity and/or energy from one renewable generation resource or project to multiple solicitations are hereby advised that, if Evergy notifies Respondent that its offer is being shortlisted, the shortlisted Respondent is encouraged to withdraw the offer from all other solicitations.

5.3 Final Shortlist

Some or all of the Proposals on the initial shortlists will then be evaluated against any changes or additional criteria to determine the final shortlist based on the best and final pricing. Evergy’s internal cost model, used to determine customer and company Proposal benefits, will be used to determine a list of Proposals deemed as the final shortlist.

Evergy may choose to engage the final shortlist Respondents in further discussions or negotiations. Any such discussions or negotiations may be terminated by Evergy at any time, for any reason.

5.4 Final Selection of Proposal(s)

The two stages described above constitute the formal evaluation process, which will be utilized to select the projects that will be submitted to the regulators for approval. In addition to this two-stage analysis, in selecting the final Proposals, Evergy will consider the economic benefit and non-price factors qualitatively. Furthermore, Evergy will also include in its evaluation any factor that may impact the total cost of a resource, including, but not limited to, all of the factors used in the initial shortlist cost analysis plus consideration of accounting treatment and potential effects due to rating agency treatment, if applicable and any costs that cannot be fully confirmed (e.g., interconnect cost).

6 AWARDING OF CONTRACTS

This RFP is merely an invitation to make Proposals to Evergy. No Proposal in and of itself constitutes a binding contract. Evergy may, in its sole discretion, perform any one or more of the following:

- Determine which Proposals are eligible for consideration as Proposals in response to this RFP
- Issue additional subsequent solicitations for information and conduct investigations with respect to the qualifications of each Respondent
- Supplement, amend, or otherwise modify this RFP, or cancel this RFP with or without the substitution of another RFP
- Negotiate and request Respondents to amend any Proposals
- Select and enter into agreements with Respondent(s) who, in Evergy's sole judgment, is most responsive to this RFP and whose Proposal(s) best satisfies the interests of Evergy, its customers, state, legal and regulatory requirements (selection not necessarily made on the basis of any single factor alone)
- Issue additional subsequent solicitations for Proposals
- Reject any or all Proposals in whole or in part
- Vary any timetable
- Conduct any briefing session or further RFP process on any terms and conditions

- Select and enter into agreement(s) with Respondent(s) for additional MW of energy and/or capacity resources should additional demand be identified

7 POST-BID NEGOTIATIONS

Evergy may further negotiate both price and contract terms and conditions during post-bid negotiations. Post-bid negotiations will be based on Evergy's cost and value assessment. Evergy will continually update its economic and risk evaluations until both parties execute a definitive agreement acceptable to Evergy. Transactions may be subject to approval of terms and conditions that are satisfactory to Evergy in its sole and absolute discretion.

Any negotiated contract between Evergy and Respondent will be conditioned upon approval or acceptance without substantial change by all regulatory authorities that have, or claim to have, jurisdiction over any or all of the subject matter of this solicitation, including, without limitation, the Kansas Corporation Commission, the Missouri Public Service Commission, and the Federal Energy Regulatory Commission. Approval must be granted in a form and substance acceptable to Evergy in its sole discretion.

8 MISCELLANEOUS

8.1 Confidentiality

All materials and Proposals submitted for inclusion in this RFP process will become the property of Evergy and will be used by 1898 & Co. as part of its Proposal evaluation. Evergy will take reasonable precautions and use reasonable efforts to protect any proprietary and confidential information contained in a Proposal provided that such information is clearly identified by Respondent as "Proprietary and Confidential" on the header section of the page on which proprietary and confidential information appears. Such information may be made available under applicable state or federal law to regulatory commission(s), their staff(s), or other governmental agencies having an interest in these matters without prior consultation or notice to Respondents. Evergy also reserves the right to release such information to its agents or contractors for the purpose of evaluating Respondent's Proposal, but such agents or contractors will be required to observe the same care with respect to disclosure as Evergy. Under no circumstances will Evergy or their agents or contractors be liable for any damages resulting from any disclosure during or after the solicitation process.

Respondents are advised that Proposals are likely to be the subject matter of discovery in state or federal regulatory or judicial proceedings, including those initiated by a party other than Evergy. Discovery in these cases is routinely restricted by confidentiality agreements and standard protective

orders issued by the regulatory agency, however, if required by order, Evergy may disclose proprietary and confidential information in the course of such proceeding as required by law without further notice to Respondent. Respondents are required to enter into a confidentiality agreement (CA) with Evergy in the form set forth in Appendix A. It is expected that Evergy and Respondents shall act in good faith in their dealings with each other with respect to this RFP and matters of confidentiality. The CA shall be executed prior to Evergy releasing any confidential information to Respondent.

Respondents should submit a copy of the signed CA to evergy2023RFP.rfpmanager.biz at the same time they submit their Pre-qualification form. If Respondent has already executed a CA with Evergy relating to Evergy's Renewable Resource Request for Proposal, Respondent may submit a copy of that executed CA, and Evergy acknowledges that the executed CA will constitute an executed CA for purposes of this RFP. None of the materials received as part of a Proposal will be returned. In the event of an executed agreement(s), Respondents shall have no expectation of confidential treatment of such executed agreement(s) which will be subject to disclosure and filing with Evergy's applicable Kansas and/or Missouri regulatory commissions.

8.2 Reservation of Rights

Evergy will review and evaluate the Proposals and may negotiate with multiple Respondents which may lead to the development of one or more agreements. Evergy reserves the right, without qualification and in its sole discretion, to accept or reject any or all Proposals for any reason without explanation to Respondent, or to make an award to that Respondent, who, in the opinion of Evergy, will provide the most value to Evergy and its customers. Evergy will consider price, economic benefit, and non-price attributes in the evaluation of Proposals (please see Section 5). Evergy reserves the right to make an award to an offer other than the lowest price offer or the Proposal evidencing the greatest technical ability if Evergy determines that to do so would result in the greatest value to Evergy and its customers. Evergy may make an award of contract without further discussion at any time in the RFP process. Evergy reserves the right to reject any, all, or portions of the Proposals received for failure to meet any criteria set forth in this RFP. Evergy makes no guarantee that a contract award will result from this RFP. Evergy may decline to enter into an arrangement with any or all Respondents or may revise or terminate the RFP process at any time. Evergy reserves the right to revise the capacity needs forecast at any point during the RFP process or during negotiations and any such change may reduce, eliminate, or increase the amount of capacity or power sought. Evergy reserves the unilateral right to waive any technical or format requirements

contained in the RFP. Evergy will review and may utilize all information, if any, submitted by Respondent that is not specifically requested as a part of this RFP. Those who submit Proposals do so without recourse against Evergy for either rejection of their Proposal(s) or for failure to execute an agreement for any reason. All offers shall be valid and binding upon Respondent through contract negotiations and contract execution.

8.3 **Contacts**

Website: evergy2023RFP.rfpmanager.biz

Primary Contact: evergy2023RFP@1898andco.com