PORTLAND GENERAL ELECTRIC

REQUEST FOR PROPOSAL
Amendment No. 2
Substation Transformers for the Warm Springs Power Pathway
RFP No. PGE01-GID05-SH-019

Purpose of This Amendment

This Amendment No. 2 revises the Solicitation to permit Offerors to submit Proposals for Transformers that do not comply with, or cannot presently be certified as compliant with, applicable Build America, Buy America Act (BABA) requirements.

An Offeror may submit either:

1. **Two separate, complete Proposals:**
    - one complete Proposal for BABA-Compliant Transformers; and
    - one separate, complete Proposal for Non-BABA-Compliant Transformers;

or

2. One complete Proposal for Non-BABA-Compliant Transformers.

This Amendment revises the BABA requirements in the RFP, Annex A - Statement of Work, Annex B - Basis of Payment, Annex C - Mandatory Evaluation Criteria, Annex D - Point-Rated Evaluation Criteria, and Annex E - Contractor Representation & Certification Form.

Amendments to the Solicitation

1. RFP: Section 1.4(c), Build America, Buy America Act (BABA) Requirements

In Section 1.4(c), delete the BABA compliance requirement and replace it with the revised requirement below.

DELETE The paragraphs in Section 1.4(c) requiring all Base Transformers and Optional Transformers to comply with BABA, requiring every Offeror to submit a completed and signed Annex I certification demonstrating compliance, and providing that failure to demonstrate compliance will make the Proposal nonresponsive.

INSERT PGE is permitting Offerors to submit either:

1. Two separate, complete Proposals:
- one complete Proposal for BABA-Compliant Transformers; **and**
- one separate, complete Proposal for Non-BABA-Compliant Transformers;

or

2. One complete Proposal for Non-BABA-Compliant Transformers.

Each Proposal must satisfy the applicable requirements of M9 of Annex C. A Proposal for BABA-Compliant Transformers must include a completed Annex I, BABA Manufactured Product Certification. A Proposal for Non-BABA-Compliant Transformers must provide the information and documentation required under M9. Annex I is not required for a Non-

BABA-Compliant Proposal.

If an Offeror submits both a BABA-Compliant Proposal and a Non-BABA-Compliant Proposal, each must be submitted as a separate, complete Proposal capable of being evaluated independently. An Offeror may not combine BABA-Compliant and Non-BABA-Compliant Transformers within the same Proposal.

Eligibility for Contract Award will be determined in accordance with Section 1.7.

2. RFP: Section 1.7, Federal Review and Approval Conditions

At the end of Section 1.7, insert the following paragraphs.

INSERT If PGE obtains the required federal approval permitting the use of Non-BABA-Compliant Transformers, all otherwise eligible Proposals will be evaluated and considered for Contract Award, regardless of whether the proposed Transformers are BABA-Compliant or Non-BABA-Compliant. If PGE does not obtain the required federal approval permitting the use of Non-BABA-Compliant Transformers, or the approval is not in effect at the time PGE determines eligibility for Contract Award, only Proposals for BABA-Compliant Transformers will be eligible for Contract Award. PGE will evaluate all Proposals eligible for Contract Award together using the published evaluation criteria, weights, methodology, and Total Evaluated Price calculation stated in the Solicitation. PGE does not represent or guarantee that the required federal approval permitting the use of Non-BABA-Compliant Transformers will be requested or obtained.

3. RFP: Section 3.2, Submission of Proposals

In the list of required Proposal files, delete the Annex I submission requirement and replace it with the revised requirement below.

DELETE Annex I - BABA Manufactured Product Certification - Submit as a separate completed and signed PDF file.

INSERT BABA Compliance Documentation – Submit in accordance with the BABA-Compliant and Non-BABA-Compliant Proposal requirements below.

4. RFP: BABA and Non-BABA Proposals

After Section 3.2, insert the following provision.

INSERT

Non-BABA-Compliant Proposal: Submit one complete Proposal package, including all documents otherwise required by this Section 3.2 and the supporting information required under M9. Annex I, BABA Manufactured Product Certification, is not required.

BABA-Compliant Proposal: An Offeror may submit a BABA-Compliant Proposal only in addition to a separate, complete Non-BABA-Compliant Proposal. The BABA-Compliant Proposal must include all documents otherwise required by this Section 3.2, the supporting information required under M9, and a completed and signed Annex I, BABA Manufactured Product Certification, submitted as a separate PDF file. If an Offeror submits both a BABA-Compliant Proposal and a Non-BABA-Compliant Proposal, each must be submitted as a separate, complete Proposal package capable of being evaluated independently. Each package must include its own Technical Proposal, Annex B pricing, delivery schedule, and all other documents applicable to that Proposal. File names must clearly identify whether the Proposal is BABA-Compliant or Non-BABA-Compliant.

The BABA-Compliant Proposal and Non-BABA-Compliant Proposal may include different pricing, manufacturing locations, sourcing, delivery schedules, and other technical or commercial characteristics specific to the Transformers proposed under each Proposal, provided that each Proposal independently satisfies all applicable requirements of the Solicitation. Each Proposal must include its own proposed delivery schedule, which will be evaluated in accordance with the applicable evaluation criteria. If an Offeror submits both Proposal types, a separate completed Annex B must be

submitted for each Proposal. Pricing may differ between the two Proposals. Each Annex B will be evaluated independently using the Total Evaluated Price methodology stated in the Solicitation.

5. Annex C: M9, BABA Compliance Disclosure

Delete M9 in its entirety and replace it with the following revised Mandatory Criterion and Proposal Preparation Instructions.

DELETE M9 in its entirety.

INSERT

M9 – BABA Compliance Disclosure

Mandatory Criterion: The Offeror must identify whether the Transformers proposed under each Proposal are BABA-Compliant or Non-BABA-Compliant.

Proposal Preparation Instructions: For each Proposal, identify whether the proposed Transformers:
(a) comply with the applicable BABA requirements; or
(b) do not comply with, or cannot presently be certified as complying with, the applicable BABA requirements.
An Offeror may not combine BABA-Compliant and Non-BABA-Compliant Transformers within the same Proposal.

For a BABA-Compliant Proposal: Complete and submit Annex I, BABA Manufactured Product Certification.

For a Non-BABA-Compliant Proposal: Clearly identify the Proposal as Non-BABA-Compliant and provide, to the extent known or reasonably available to the Offeror, the proposed manufacturing location, country-of-origin information, domestic and foreign component sourcing and cost information relevant to BABA compliance, availability information, and other supporting information reasonably necessary for PGE to assess BABA compliance and support any request for federal approval permitting the use of the proposed Non-BABA-Compliant Transformers. Annex I is not required.

If an Offeror submits both a BABA-Compliant Proposal and a Non-BABA-Compliant Proposal, the applicable M9 requirements must be satisfied separately for each Proposal.

Pass/Fail: A Proposal passes M9 if the Offeror identifies whether the proposed Transformers are BABA-Compliant or Non-BABA-Compliant and provides the information required above, as applicable to that Proposal.

PGE may request clarification or additional supporting information regarding an Offeror's BABA compliance disclosure in accordance with the clarification provisions of the RFP.

6. Annex D - Point-Rated Evaluation Criteria

At the beginning of Annex D, insert the following clarification.

INSERT Each Proposal will be scored independently using the same point-rated evaluation criteria, weights, and scoring methodology. If PGE obtains the required federal approval permitting the use of Non-BABA-Compliant Transformers, all otherwise eligible BABA-Compliant and Non-BABA-Compliant Proposals will be evaluated, compared, and ranked together. If the required federal approval is not obtained or is not in effect at the time PGE determines eligibility for Contract Award, only BABA-Compliant Proposals will be eligible for Contract Award.

7. Annex A - Statement of Work: Section 3.6

Delete Section 3.6 in its entirety and replace it with the revised section below.

DELETE Section 3.6 in its entirety.

INSERT

3.6 Build America, Buy America Act Compliance
Contractor shall comply with the BABA requirements applicable to the Transformers under the federal award. If the Contract is awarded for BABA-Compliant Transformers, Contractor shall maintain and provide documentation sufficient to substantiate compliance with the applicable BABA requirements. If the Contract is awarded for Non-BABA-Compliant Transformers pursuant to federal approval permitting their use, Contractor shall comply with all conditions, limitations, product descriptions, quantities, time periods, documentation requirements, and other terms of that federal approval identified by PGE in writing. Contractor shall promptly notify PGE of any change in manufacturing location, country of origin, sourcing, components, materials, cost, or other information that could affect BABA compliance or the continued applicability of any federal approval permitting the use of the Non-BABA-Compliant Transformers. Contractor shall not rely upon or represent that federal approval permits the use of Non-BABA-Compliant Transformers except as confirmed by PGE in writing.

8. Annex A - Statement of Work: Section 15.1.3(e)

Delete Section 15.1.3(e) and replace it with the revised item below.

DELETE Applicable domestic-content, country-of-origin, or federal-compliance certifications required by the Contract;

INSERT Applicable BABA compliance documentation, documentation required under any federal approval permitting the use of Non-BABA-Compliant Transformers, country-of-origin documentation, and other federal-compliance documentation required by the Contract;

9. Annex A - Statement of Work: Section 15.2(l)

Delete Section 15.2(l) and replace it with the revised item below.

DELETE Final country-of-origin and compliance documentation, if required;

INSERT Final country-of-origin documentation, BABA compliance documentation, documentation required under any federal approval permitting the use of Non-BABA-Compliant Transformers, and other applicable federal-compliance documentation, if required;

10. Annex B - Basis of Payment: Offeror Instructions

After Instruction 8, insert the following clarification.

INSERT An Offeror's identification of its proposed Transformers as Non-BABA-Compliant in accordance with the RFP and Annex C, M9, does not constitute an exception, qualification, or modification of the Solicitation.

11. Annex E - Contractor Representation & Certification Form

Immediately after Certification 1, insert the following clarification.

INSERT An Offeror's identification of its proposed Transformers as Non-BABA-Compliant in accordance with Annex C, M9, does not constitute an exception, qualification, modification, or substitution to the Solicitation or Annex H.

Effect of Amendment

This Amendment forms part of the Solicitation. If this Amendment conflicts with the originally issued RFP, Amendment No. 1, or any solicitation document, this Amendment controls. Except as expressly revised by this Amendment, all other terms, conditions, requirements, and provisions of the Solicitation remain unchanged.

END OF AMENDMENT NO. 2