



INFRASTRUCTURE INVESTMENT AND JOBS ACT - SEC. 40101(d)

GRID RESILIENCE GRANT

REQUEST FOR PROPOSALS

Issued by:

Wyoming Energy Authority

1912 Capitol Ave., Suite 305

Cheyenne, WY 82001

wyoenergy.org

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Additional copies of this solicitation are available from the Wyoming Energy Authority website at <https://www.wyoenergy.org/news/> This program is subject to the Civil Rights Act of 1964, the Wyoming Fair Employment Practices Act (Wyo. Stat. Ann. §§ 27-9-101 - 106), the Americans with Disabilities Act, 42 U.S.C. § 12101 - 12213, and the Age Discrimination Act of 1975, 42 U.S.C. § 6101 - 6107, and any rules or regulations promulgated under these state and federal anti-discrimination statutes. Funding recipients shall not discriminate against any individual on the grounds of age, sex, sexual orientation, creed, color, race, religion, national origin, ancestry, pregnancy, or disability in connection with funding under this Request for Proposals.



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1. INTRODUCTION AND PURPOSE

The Wyoming Energy Authority advocates for, facilitates and advances Wyoming's energy economy through implementing the state's energy strategy; delivering positive economic impact and jobs for Wyoming, fostering an environment for the sustainability and growth of Wyoming's overall economy, and ensuring Wyoming continues to power the nation. The WEA is issuing a request for proposals (RFP) from municipalities, rural electric associations, investor owned utilities, and other eligible entities as defined in section 4 of this request, to enhance the resiliency and reliability of the electric grid in the State of Wyoming. The purpose of this request for proposals (RFP) is to solicit project proposals from eligible entities to be sub-awarded under the IIJA Section 40101(d) Preventing Outages and Enhancing the Resilience of the Electric Grid grant program.

The United States Department of Energy (DOE) has new programs available to them from the passage of the Infrastructure Investment and Jobs Act (IIJA). Section 40101(d) of the IIJA establishes the Preventing Outages and Enhancing the Resilience of the Electric Grid grant program. The Wyoming Energy Authority received formula funding under this grant on behalf of the State of Wyoming which will be sub-awarded to eligible entities for projects. The grant will be used to replace deteriorating infrastructure, improve planning, and harden the electric transmission system. The grant funding will also be used to mitigate costs to rural customers and improve public safety through grid improvements.

2. FUNDING AMOUNT AND COST MATCH REQUIREMENTS

a. Funding Amount

The Wyoming Energy Authority received formula funding in the amount of eight million, one hundred and fifty-four thousand, eight hundred and fifty dollars (\$8,154,850) under section 40101(d) of the Infrastructure Investment and Jobs Act (IIJA). The WEA anticipates

awarding four to five sub-awards in the range of one to three million dollars (\$1,000,000 to \$3,000,000).

Per grant requirements¹, at least 53% of funds will be set aside to eligible entities that sell not more than 4,000,000 megawatt hours of electricity per year. The reason for this percentage is that only one utility is currently selling more than 4,000,000 megawatt hours of electricity per year in Wyoming and they serve approximately 47% of the customer base.

b. Limitations

Costs incurred prior to an executed grant contract will not be reimbursed. Costs incurred after the grant contract expiration date will not be reimbursed.

c. Cost Match Requirements

Sub-awardees are required to provide a cost-match for project funding. All sub-awardees selling not more than 4,000,000 megawatt hours of electricity per year are required to provide a 1:3 cost match. All sub-awardees selling 4,000,000 or more megawatt hours of electricity per year are required to provide a 1:1 cost match. The cost match requirement was determined by the Department of Energy².

The following matching costs **are allowable** in accordance with the applicable cost principles:

- i. Cash
- ii. Personnel Costs
- iii. The value of a service, other resource, or third-party in-kind contribution determined in accordance with Subpart E - Cost Principles - of 2 CFR part 200. For recipients that are for-profit organizations as defined by 2 CFR 910.122, the Cost Principles

¹ Under IJJA Section 40101(d), the Department of Energy requires that a State or Indian Tribe receiving a grant under the program shall ensure that, of the amounts made to subgrantees, the percentage made available to eligible entities that sell not more than 4,000,000 megawatt hours of electricity per year is not less than the percentage of all customers in the State or Indian Tribe that are served by those eligible entities.

² Under IJJA Section 40101(d), the Department of Energy requires a cost match from all sub-awardees. For sub-awardees who sell not more than 4,000,000 megawatt hours of electricity per year, the cost match requirement is 1/3 of the award. For sub-awardees who sell 4,000,000 or more megawatt hours of electricity per year, the cost match requirement is one-hundred percent.

which apply are contained in 48 CFR 31.2. See § 910.352 for further information

- iv. Indirect costs or facilities and administrative costs

The following matching costs **are excluded** in accordance with the applicable cost principles

- v. Revenues or royalties from the prospective operation of an activity beyond the time considered in the award
- vi. Proceeds from the prospective sale of an asset of an activity
- vii. Other appropriated Federal funds

3. SUBRECIPIENT AND PROJECT ELIGIBILITY

Participation in this program is open to companies, organizations, and individuals that have the experience and capacity to undertake such an engagement.

a. An Eligible Subrecipient must meet at least one of the

following qualification criteria:

- i. Electric grid operator
- ii. Electricity storage operator
- iii. Electricity generator
- iv. Transmission owner or operator
- v. Distribution provider
- vi. Fuel Supplier

b. An Eligible Project must meet at least one of the following

objectives:

- i. Increase grid resilience by improving:
 - 1. Weatherization of electricity distribution systems
 - 2. Wildfire mitigation
 - 3. System redundancy
- ii. Increase grid reliability by:
 - 1. Replacing deteriorating infrastructure
 - 2. Hardening system by mitigating infrastructure deterioration
- iii. Improve Public Safety by:
 - 1. Relocation of power lines with low-sag

2. Reconductoring of power lines with low-sag
3. Equipment undergrounding

c. The following types of resilience investments are permitted

under this program:

- i. Utility pole management
- ii. Hardening of power lines, facilities, substations, or other systems
- iii. The undergrounding of electrical equipment
- iv. The replacement of old overhead conductors and underground cables
- v. The relocation of power lines or the reconductoring of power lines with low-sag, advanced conductors
- vi. Vegetation and fuel-load management
- vii. Weatherization technologies and equipment
- viii. Fire-resistant technologies and fire prevention systems
- ix. Monitoring and control technologies
- x. The use or construction of distributed energy resources for enhancing system adaptive capacity during disruptive events, including:
 1. Microgrids
 2. Battery-storage subcomponents
- xi. Adaptive protection technologies
- xii. Advanced modeling technologies

Grants under Section 40101(d) CANNOT be used for construction of a new electric generating facility or large-scale battery-storage facility that is not used for enhancing system adaptive capacity during disruptive events; nor cybersecurity.

Subcontractors are permitted provided they possess the same required qualifications described above in section 3a or are under the direct supervision of an entity meeting these qualifications.

4. PROJECT COMPLIANCE REQUIREMENTS

The following project compliance requirements are set out by the United States Department of Energy. Subrecipients whose project proposals are awarded are required to comply with:

a. National Environmental Policy Act (NEPA)

The National Environmental Policy Act (NEPA) is a procedural statute intended to ensure Federal agencies consider the environmental impacts of their actions in the decision-making process. Section 101 of NEPA establishes the national environmental policy of the Federal Government to use all practicable means and measures to foster and promote the general welfare, create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans. Section 102(2) of NEPA establishes the procedural requirements to carry out the policy stated in section 101 of NEPA. In particular, it requires Federal agencies to provide a detailed statement on proposals for major Federal actions significantly affecting the quality of the human environment. The purpose and function of NEPA is satisfied if Federal agencies have considered relevant environmental information, and the public has been informed regarding the decision-making process. NEPA does not mandate particular results or substantive outcomes. NEPA's purpose is not to generate paperwork or litigation, but to provide for informed decision making and foster excellent action.

Because IIJA Section 40101(d), Preventing Outages and Enhancing the Resilience of the Electric Grid grant program, is a federally funded program, all awardees and sub-awardees are required to maintain NEPA compliance throughout the timeline of the project.

b. Davis-Bacon Act

Under the Davis-Bacon and Related Acts and Reorganization Plan No. 14 of 1950, the U.S. Department of Labor is responsible for determining prevailing wages, issuing regulations and standards to be observed by federal agencies that award or fund projects subject to Davis-Bacon labor standards, and overseeing consistent enforcement of the Davis-Bacon labor standards.

The Davis-Bacon and Related Acts apply to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Davis-Bacon Act and Related Act contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area.

The Davis-Bacon Act directs the Department of Labor to determine such locally prevailing wage rates. The Davis-Bacon Act applies to contractors and subcontractors performing work on federal or District of Columbia contracts. The Davis-Bacon Act prevailing wage provisions apply to the “Related Acts,” under which federal agencies assist construction projects through grants, loans, loan guarantees, and insurance.

For prime contracts in excess of \$100,000, contractors and subcontractors must also, under the provisions of the Contract Work Hours and Safety Standards Act, as amended, pay laborers and mechanics, including guards and watchmen, at least one and one-half times their regular rate of pay for all hours worked over 40 in a workweek. The overtime provisions of the Fair Labor Standards Act may also apply to DBA-covered contracts.

c. Build America, Buy America

The Build America Buy America Act, enacted as part of the Infrastructure Investment and Jobs Act on November 15, 2021, established a domestic content procurement preference for all Federal financial assistance obligated for infrastructure projects after May 14, 2022. The domestic content procurement preference requires that all iron, steel, manufactured products, and construction materials used in covered infrastructure projects are produced in the United States.

d. Federal Stewardship

The United States Department of Energy (DOE) and the National Nuclear Security Administration (NNSA) will exercise normal Federal stewardship in overseeing the project activities performed under this award.

Stewardship activities include, but are not limited to, conducting site visits; reviewing performance and financial reports; providing technical assistance and/or temporary intervention in unusual circumstances to correct deficiencies which develop during the project; assuring compliance with terms and conditions; and reviewing technical performance after project completion to ensure that the award objectives have been accomplished.

e. Site Visits

The United States Department of Energy's (DOE) and the National Nuclear Security Administration's (NNSA) authorized representatives have the right to make site visits at reasonable times to review project accomplishments and management control systems and to provide technical assistance, if required. Subrecipients are required to provide reasonable access to facilities, office space, resources, and assistance for the safety and convenience of the government representatives in the performance of their duties. All site visits and evaluations must be performed in a manner that does not unduly interfere with or delay the work.

f. Foreign National Participation

If the Recipient (including any of its subrecipients and contractors) anticipates involving foreign nationals in the performance of this award, the Recipient must provide DOE with specific information about each foreign national to ensure compliance with the requirements for foreign national participation and access approvals. The volume and type of information required may depend on various factors associated with the award.

Approval for foreign nationals in Principal Investigator/Co-Principal Investigator roles, from countries of risk (i.e., China, Iran, North Korea, and Russia), and from countries identified on the U.S. Department of State's list of State Sponsors of Terrorism (<https://www.state.gov/state-sponsors-of-terrorism/>) must be obtained from DOE before they can participate in the performance of any work under this award.

A "foreign national" is defined as any person who is not a United States citizen by birth or naturalization. DOE may elect to deny a foreign national's participation in the award. Likewise, DOE may elect to deny a foreign national's access to DOE sites, information, technologies, equipment, programs, or personnel.

5. REPORTING REQUIREMENTS

The following project requirements are set out by the WEA. Subrecipients whose project proposals are awarded are required to submit:

a. Quarterly Progress Reports

These reports shall be submitted no later than the 15th of each of the following months: January, April, July, and October. They are to be reported each year that the grant is active and must be submitted to the State Energy Program Manager of the WEA. Progress reports will be submitted via Google form and should report the status of work, achievements, variance in timing, permanent jobs created, and other program metrics included in the reporting form.

b. Annual Program Metrics and Impact Report

These reports shall be submitted no later than September 30 of each year of active grant status to the State Energy Program Manager of the WEA. The Program Metrics and Impact Report will be submitted via Google form and should report the overall impact of the project.

NOTE: The Wyoming Energy Authority may require additional metrics and program information. All projects require compliance with any reporting requirements of the United States Department of Energy.

6. RFP Q&A (QUESTIONS AND ANSWERS)

Direct questions to Patrick Millin, SEP Program Manager, via email:

patrick.millin@wyo.gov

Please include “**Grid Resilience Grant RFP Query**” in the subject line.

Responses to all questions will be posted on the WEA RFP website in accordance with **Section 8. Dates** for viewing by all prospective RFP respondents.

7. SCREENING AND EVALUATION PROCESS

a. Screening

The Wyoming Energy Authority will screen all submissions prior to official review to ensure completeness and compliance with the requirements of this solicitation. Those submissions that do not comply, or are otherwise deemed to be non-responsive, will be returned to the Applicant. All accepted submissions will be reviewed by the agency. Applicants may be contacted directly if the WEA requires clarification or more information.

b. Evaluation Criteria

Submissions will be evaluated according to the criteria described below:

- i. Number of customers being impacted by the project
- ii. Community outage risk and frequency
 1. Using SAIDI/SAIFI/CAIDI metrics
- iii. Average age of the infrastructure included in the project
- iv. Percentage of a system that is underground
- v. Geographic risk of extreme weather in project location
- vi. Priority for disadvantaged communities
- vii. Whether projects will be completed using existing internal staff or contracted out to a 3rd party
- viii. Return on investment - total matching dollars and economic loss avoided from prevented outages
- ix. Compliance and Good Standing - Compliance with all state and federal entities that govern business operations, including, but not limited to, possessing good standing with the State of Wyoming Secretary of State and having no indictments or convictions resulting in suspension and debarment for federal funding
- x. Suitability of the proposal to fulfill the requirements - Proposals must show the ability to complete all items described in the scope of work
- xi. Projects must be completed entirely in Wyoming

The Wyoming Energy Authority will rank the submissions according to the guidelines and evaluation criteria. The Wyoming Energy Authority reserves the right, without limitation or qualification, to consider any other criteria or factors that the agency deems relevant to provide the best project.

NOTE: Decisions of the Wyoming Energy Authority are final and are not subject to appeal by applicants. All projects require approval by the United States Department of Energy.

c. Applicant Notification

All Applicants will be notified by email regarding the outcome of the evaluation process and final vendor selection by the date indicated in Section 8.

8. DATES

All dates and times are Mountain Time and subject to change at the sole discretion of the Wyoming Energy Authority. Proposals received after the time and date specified will not be considered.

- a. Issue Date: **January 16, 2024**
- b. Deadline for submission of questions: **February 23, 2024**
- c. Q&A Posted on WEA website under this RFP solicitation: **January 22, 2024 - March 01, 2024**
- d. Deadline for submission of proposals: **March 29, 2024 5:00 PM Mountain Time**
- e. Internal review process: **April 01, 2024 - May 31, 2024**
- f. Target date for notification of contract award: **June 07, 2024**
- g. Target date for contract execution: **July 26, 2024**
- h. Target date for subgrantee to initiate work: **July 29, 2024**
- i. Progress reports: submitted quarterly via Google Form to WEA's SEP Coordinator
- j. Final deliverables: Work as described in the final contract document must be completed by **April 30, 2028**.

9. RIGHTS AND DISCLAIMERS

The Wyoming Energy Authority reserves the right, without limitation or qualification and at its sole discretion, to extend or terminate this solicitation process at any time. The Wyoming Energy Authority reserves the right, without limitation or qualification, to reject any submission at any part of this solicitation process. All decisions made by the Wyoming Energy Authority are not subject to appeal.

10. SUBMITTAL INFORMATION

All costs incurred in the preparation and presentations of the submission are the applicant's sole responsibility. All documentation submitted with the submission will become the property of the Wyoming Energy Authority.

Submission method: Submit proposals via email to wea@wyo.gov. The subject line of the email should read "Grid Resilience RFP Proposal - [Company Name]". A confirmation email acknowledging receipt of the proposal will be sent within the next business day of submission. The submission time and date will be based on the timestamp of the proposal submission email.

Confidentiality: The proposer shall clearly identify all information that is considered confidential (Wyoming Public Records Act, W.S. 16-4-201 through 16-4-205). Identify each confidential page with "CONFIDENTIAL" in capital bold letters centered at the bottom of each page, and preface each line that is confidential with an asterisk (*). Information not clearly marked may be considered public.

Proposal information is restricted and not publicly available until after award.

Submissions must include:

- a. Exhibit 1: Application Form, signed by the Authorized Official
- b. Exhibit 2: Confidential Disclosure Agreement
- c. Exhibit 3: Certifications Signature Page
- d. Narrative statement of approach to achieve the deliverables in the required timeframe, limited to 5 pages
- e. Provide a detailed narrative of organization and evaluation criteria listed above in section 8.b, limited to 5 pages
- f. Resumes of key personnel

Exhibit 1

APPLICATION FORM

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Proposal Title:

Instructions: Please complete the form below. Attach additional pages as needed for additional Investigators. Each additional Investigator shall provide a brief letter from their organization authorizing their participation in the project signed by both the additional Investigator and the Organization Authority if that is a separate person.

Organization Authority Information:

Name	
Title	
Organization	
Mailing Address (City, State, Zip)	
Phone	
Email	

Principal Investigator Information:

Name	
Title	
Organization	
Mailing Address (City, State, Zip)	
Phone	
Email	

Additional Investigator Information:

Name	
Title	
Organization	
Mailing Address (City, State, Zip)	
Phone	
Email	

Exhibit 1 Signatures:

Principal Investigator

Date

Authorized Official (if different than above)

Date

Exhibit 2

CONFIDENTIAL DISCLOSURE AGREEMENT

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The **Wyoming Energy Authority ("WEA")**, 1912 Capitol Ave., Suite 305, Cheyenne, Wyoming 82001, understands that **Submitting Company Name and Address** **Insert here ("Company")** may wish to disclose to the **WEA** information related to "Grid Resiliency and Grid Reliability" hereinafter referred to as "Proprietary Information" for evaluation purposes. All Proprietary Information shall be disclosed in writing and identified by **Company** as confidential or proprietary or disclosed orally and then promptly reduced to writing and identified in such writing by **Company** as confidential or proprietary.

The **WEA** agrees (i) to hold Proprietary Information in confidence and to take all reasonable precautions to protect such Proprietary Information, including, without limitation, all precautions that the **WEA** employs with respect to its confidential materials, (ii) not to divulge any Proprietary Information or any information derived therefrom to any third party, (iii) not to make copies of any Proprietary Information except as necessary for the purpose expressly allowed hereunder, (iv) not to use the Proprietary Information for any commercial purposes, except with the prior agreement of **Company**. Disclosure of Proprietary Information by the **WEA** shall only be made to those employees, directors, officers, consultants, and outside reviewers who have a need to know the Proprietary Information for the purpose described above and who are under similar obligations of confidentiality and non-use. Should the **WEA** be required by judicial or other governmental authority to disclose Proprietary Information, it shall inform and cooperate with **Company** in responding to such requirement.

The foregoing obligations shall not apply with respect to information the **WEA** can document (i) is in or enters the public domain through no improper action or inaction by the **WEA**, or (ii) was in its possession or known by it prior to receipt from **Company**, or (iii) was rightfully disclosed to it by a third party without restriction, or (iv) was independently developed by the **WEA** or its employees, without use of the subject Proprietary Information.



The **WEA** understands that nothing herein (i) requires the disclosure of any Proprietary Information; Proprietary Information shall be disclosed, if at all, solely at the option of **Company** or (ii) requires **Company** to proceed with any proposed transaction or relationship in connection with which Proprietary Information may be disclosed.

The **WEA** does not waive its sovereign immunity or its governmental immunity by entering into this agreement and fully retains all immunities and defenses provided by law with regard to any action based on this agreement. The laws of Wyoming shall govern this agreement.

This agreement is effective on the date of last signature hereto. This agreement shall expire one (1) year from the effective date, and all Proprietary Information shall be subject to the restrictions of this agreement for five (5) years after expiration.

Exhibit 2 Signatures:

Principal Investigator

Date

Authorized Official (if different than above)

Date

Exhibit 3

CERTIFICATIONS SIGNATURE PAGE

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The undersigned agrees to provide a statement of qualifications to provide the services requested in this Request for Proposals.

By submission, the proposer certifies:

- Prices in this submission have been arrived at independently, without consultation, communication or agreement for the purpose of restricting competition
- No attempt has been made nor will be by the submitter to induce any other person or firm to submit a proposal for the purpose of restricting competition
- The person signing this submission certifies that he/she is authorized to represent the company and is legally responsible for the decision as to the price and supporting documentation provided as a result of this solicitation
- Subrecipient will comply with all State of Wyoming and Federal regulations, policies, guidelines and requirements, as applicable
- Prices in this proposal have not been knowingly disclosed by the submitter and will not be prior to award to any other submitter
- Direct purchases of material by the State of Wyoming are exempt from Wyoming Sales or Use Tax. The undersigned certifies that no Federal, State, County or Municipal tax will be added to the above-quoted prices
- Terms: Net 45; (Wyoming Statute § 16-6-602)
- The undersigned certifies and agrees that this request for proposals is submitted in accordance with all applicable Wyoming laws
- By signing below, the submitter certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency in accordance with 2 CFR Part 180

‡ *Fill in completely* ‡

COMPANY NAME OF APPLICANT

PO BOX/ STREET ADDRESS

TELEPHONE NUMBER

CITY, STATE AND ZIP CODE

AUTHORIZED OFFICIAL NAME (printed)

AUTHORIZED OFFICIAL SIGNATURE

E-MAIL ADDRESS

DATE

Verification: I certify, under penalty of perjury, that I am a responsible official (as identified above) for the business entity described above as Applicant, that I have personally examined and am familiar with the information submitted in this disclosure and any attachments, and that the information is true, accurate, and complete.