



## **Coal Litigation Support**

### ***REQUEST FOR PROPOSALS***

**Issued by:**

**Wyoming Energy Authority**  
1912 Capitol Ave., Suite 305  
Cheyenne, WY 82001  
PHONE: (307) 635-3573  
wyoenergy.org

**Issue date:** June 7, 2024

**Closing date:** June 14, 2024

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.

## **1. INTRODUCTION**

The Wyoming Energy Authority (WEA) 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 service providers, consultants, and other interested entities who can provide services related to coal litigation support.

## **2. SPECIFICATIONS AND SCOPE OF WORK**

### **A. Purpose**

The purpose of this solicitation is to secure services from qualified individuals and/or organizations that can execute the defined scope of work and ensure that deliverables are met.

### **B. Scope of Work Items**

These funds are to be used to support litigation efforts concerning the Environmental Protection Agency (EPA) rules that could result in early retirement of Wyoming based coal-fired electric generation, or the decreased use of Wyoming coal or the closure of coal-fired generation facilities in Wyoming. Such EPA rules include, but are not limited to, those rules referred to as the Clean Power Plan Version 2, the mercury air toxics standards (MATS) rule, effluent limitation guidelines and standards (ELG), and the coal ash rule.

The required services include providing documents, reports, studies, affidavits or other materials to assist the State of Wyoming and other plaintiff states in litigation efforts, including this type of efforts made in anticipation of litigation with respect to the State of Wyoming's potential intervention in, defense, commencement or prosecution of lawsuits against the federal government and its agencies, other states or states' agencies, and local governments that enact and enforce laws or regulations, that impermissibly impede Wyoming's ability to export coal, that cause the early retirement of coal-fired electric generation facilities located in Wyoming, that result in the decreased use of Wyoming coal or the closure of coal-fired electric generation facilities that use Wyoming coal. The recipients may also be required to participate in virtual and in-person meetings in support of this effort.

## **3. FUNDING AND PROJECT PERIOD**

### **A. Funding**

The project budget for all elements of the Scope of Work is \$300,000.

### **B. Project Period**

The project period will be negotiated upon award. There will be quarterly reviews of work performance.

## **4. APPLICANT ELIGIBILITY**

Participation in this program is open to companies, organizations, and individuals that can undertake such an engagement.

**5. RFP Q&A (QUESTIONS AND ANSWERS)**

For questions regarding this solicitation, please email: Rob Creager, at [rob.creager1@wyo.gov](mailto:rob.creager1@wyo.gov) with “Coal Litigation Support RFP Query” in the subject line.

**6. 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 authority. Applicants may be contacted directly if the WEA requires clarification or more information.

**B. Evaluation Criteria**

Submissions will be evaluated according to the equally weighted criteria described below:

- Applicant’s qualifications, experience, demonstrated capabilities, understanding of requirements, and references.
- The suitability of the proposal to fulfill the requirements.
- Responsiveness – The degree to which the applicant has responded to the purpose and scope of the specifications, the flexibility to meet the WEA’s needs, conformance in all material respects to this request for proposals, etc.
- Responsibility – The applicant has the capability to perform fully the contract requirements, and the moral and business integrity and reliability which will assure good faith performance as required.
- Compliance - Compliance with all state and federal entities that govern business operations; including, but not limited to, maintaining sufficient general liability insurance, and possessing good standing with the applicant’s respective Secretary of State.

The Wyoming Energy Authority will rank the submissions according to the guidelines. The Wyoming Energy Authority reserves the right, without limitation or qualification, to consider any other criteria or factors that the WEA deems relevant to provide the best services. Final award may not necessarily represent the complete SOW. The Wyoming Energy Authority may evaluate each component of the Scope of Work in each applicant’s submission independently, and offer a partial award.

NOTE: Decisions of the Wyoming Energy Authority are final and are not subject to appeal.

**C. Applicant Notification**

All applicants will be notified by email regarding the outcome of the evaluation process and final project selections by the dates indicated in Section 7 “Dates.”

**7. DATES**

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

Issue Date: June 7, 2024  
Closing Date: 4:00 p.m. June 14, 2024 (Mountain Time)  
Final Project Selection: No later than June 21, 2024

**8. RIGHTS AND DISCLAIMERS**

The Wyoming Energy Authority reserves the right, without limitation or qualification and at its sole discretion, to 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.

**9. 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 submissions via email to [rob.creager1@wyo.gov](mailto:rob.creager1@wyo.gov). The subject line of the email should read “Coal Litigation - [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.

Please use the following format for naming files:

Coal 2024\_[Company Name]\_[Submitter Last Name]\_[File Description]

- Example 1: “Coal 2024\_ABC Consulting\_Smith\_Proposal.pdf”
- Example 2: “Coal 2024\_ABC Consulting\_Smith\_Confidential Attachment.pdf”

**Confidentiality:** The applicant 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 Preparation:**

- Signature Page, signed by the proper official
- Description of organization and statement of qualifications - this statement must also include:
  - Company profile to include specific experience (background, qualifications, etc.)
  - Any associated organizations that would be involved in providing services
  - Resumes of key personnel
  - Three to five references in regard to similar work. Include company, contact name, address, and phone number.
- Cost breakdown of all materials and services for at least 12 months. Address how you propose to handle price increases/decreases (escalation/de-escalation) for additional years.
- Commitment that demonstrates flexibility and willingness to accommodate the varying demands and timelines that arise from different funding sources and opportunities

Optional items may be included, but are not required:

- An option for alternative services that the submitter believes will enhance the ability for the Wyoming Energy Authority to be successful.
- Company profile which is indicative of the diversity of the organization.
- Additional information your company wishes to share. This is limited to a maximum of 1 additional page.

**SIGNATURE PAGE**

The undersigned agrees to provide a proposal to provide services according to the Scope of Work for this Coal Litigation Support RFP.

By submission, the applicant 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 applicant 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.
- The applicant will comply with all Federal regulations, policies, guidelines and requirements, as applicable.
- Prices in this proposal have not been knowingly disclosed by the applicant and will not be prior to award to any other applicant.
- 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.

**Fill in completely:**

\_\_\_\_\_  
(COMPANY NAME OF APPLICANT)

\_\_\_\_\_  
(PO BOX / STREET ADDRESS)

\_\_\_\_\_  
(TELEPHONE NUMBER)

\_\_\_\_\_  
(CITY, STATE, AND ZIP CODE)

\_\_\_\_\_  
(OFFICIAL REPRESENTATIVE NAME)

\_\_\_\_\_  
**(AUTHORIZED SIGNATURE) required**

\_\_\_\_\_  
(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.