

APPENDIX M

Role of the Independent Evaluator

1. The general role and function of the Independent Evaluators (“IE”) are outlined as follows. A more detailed description of the IE’s role and function are included in the competitive bidding rules for Oregon, the Significant Energy Procurement rules for Utah and the Procurement of Energy rules for Washington.¹
2. The Independent Evaluator will facilitate and monitor communications between PacifiCorp and bidders.
3. Receive benchmark and market bid responses.
4. Provide input to PacifiCorp on:
 - a. the development of screening and evaluation criteria, ranking factors and evaluation methodologies that are reasonably designed to ensure that the solicitation process is fair, reasonable and in the public interest in preparing a solicitation and in evaluating market bids;
 - b. the development of initial screening and evaluation criteria that take into consideration the assumptions included in the PacifiCorp’s most recent IRP, any recently filed IRP Update, any Commission order on the IRP or IRP Update;
 - c. whether a bidder has met the criteria specified in any bidding process and whether to reject or accept non-conforming bid responses;
 - d. whether and when data and information should be distributed to bidders when it is necessary to facilitate a fair and reasonable competitive bidding process or has been reasonably requested by bidders;
 - e. whether to reject non-conforming bids for any reason or accept conforming changes; and
 - f. whether to return bid fees.
5. Ensure that all bids are treated in a fair and non-discriminatory manner.
6. Monitor, observe, validate and offer feedback to PacifiCorp and the Washington, Utah and Oregon Commissions on all aspects of the solicitation and solicitation process, including:
 - a. content of the solicitation;
 - b. evaluation and ranking of bid responses;
 - c. creation of a short list(s) of bidders for more detailed analysis and negotiation;
 - d. post-bid discussions and negotiations with, and evaluations of, shortlisted bidders; and
 - e. negotiation of proposed contracts with successful bidders.
7. Once the competing bids have been evaluated by PacifiCorp and the IEs, PacifiCorp and the IE will compare results.
8. Offer feedback to PacifiCorp on possible adjustments to the scope or nature of the solicitation or requested resources in light of bid responses received.
9. Solicit additional information on bids necessary for screening and evaluation purposes.
10. Advise the Commissions at all stages of the process of any unresolved disputes or other issues or

¹ Public Utility Commission of Oregon Docket AR 600, In the Matter of Rulemaking Regarding Allowances for Diverse Ownership of Renewable Energy Resources, Order 18-324, August 30, 2018 and Utah Admin. Code R746-420 and Washington’s WAC 480-107 Electric Companies - Purchases of Resources.

concerns that could affect the integrity or outcome of the solicitation process.

11. Analyze and attempt to mediate disputes that arise in the solicitation process with PacifiCorp and/or bidders, and present recommendations for resolution of unresolved disputes to the Commissions.
12. Participate in and testify at Commission hearings on approval of the Solicitation and Solicitation Process and/or acknowledgement of the final shortlist.
13. Coordinate as appropriate and as directed by the Commissions with staff or evaluators designated by regulatory authorities from other states served by PacifiCorp.
14. The IEs shall always be included in communications involving PacifiCorp and the bidders as described in Appendix N - PacifiCorp's Organization for RFP Process.
15. The IEs shall prepare reports as defined under Washington, Oregon and Utah rules and provide them to the Commissions and PacifiCorp. The final reports shall be provided as soon as possible following the completion of the solicitation process. Final reports shall include analyses of the solicitation, the solicitation process, the PacifiCorp's evaluation and selection of bids and resources, the final results and whether the selected resources are in the public interest.