

Black Hills/Colorado Electric Utility Company, LP
Non-Intermittent Resource Solicitation
Questions and Answers

04/29/09 Correction to Q&A Released on 4/10/09

Corrected

Q041009-16. Please elaborate on the “binding” nature of this bid. If a bid is made, doesn’t this simply mean that we make our bid available to you until a decision is made?

A. Please refer to Section 4.2 of the RFP: It is BHCE's expectation that BHCE will have first rights to the proposed project during the proposal review and approval process. In support of this, bidders must provide any and all information which would restrict the bidder from providing BHCE with exclusive rights to negotiate a PPA. Such restrictions could include, but are not limited to, prior active submission or participation in other RFPs, exclusivity rights granted to other parties, rights of first offer or refusal, purchase options, and active auctions for the project as applicable. Absent inclusion of restrictions in a response, all proposals submitted shall be binding upon bidders, if accepted by BHCE, through the target date for contract execution, December 8, 2009. No proposals may be withdrawn prior to December ~~8~~⁹, 2009. Negligence on the part of a respondent in preparing their proposal confers no right of withdrawal after the time fixed for the submission of proposals.