



REQUEST FOR PROPOSALS

Instructions to Bidders

Seeking Proposals for
4.5 MW / 18 MWh BESS Buena Vista, CO
5 MW / 20 MWh BESS El Moro, CO
5 MW / 20 MWh BESS Pueblo, CO
10 MW / 40 MWh BESS Pueblo, CO
5 MW / 20 MWh BESS Fort Laramie, WY
5 MW / 20 MWh BESS La Grange, WY

Turnkey EPC BESS

Release Date: March 16, 2026
Proposals Due: April 16, 2026

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1.0 Introduction

1.1 Buyer Information

Founded in 2021, Syrcuit Energy Solutions is an energy development company headquartered in Northern Colorado. Our team has a deep network of investors, landowners, utilities, and community partners. Our mission is to deliver community-focused energy solutions tailored to the needs of utilities and their customers. Syrcuit is currently focused on delivering distributed energy storage systems to offtakers throughout the Rocky Mountain West.

1.2 Invitation and Overview

Syrcuit Energy Solutions (the “Buyer” or “Owner”) is soliciting proposals from experienced battery energy storage system (BESS) contractors (“Bidder” or “Contractor”) capable of providing turnkey EPC services for six distributed standalone BESS projects in Colorado and Wyoming (the “Projects”) described in [Table 1 – Buena Vista and Burnt Mill Projects](#) below. Syrcuit envisions this RFP to be the first of several tranches of distributed resources it will develop and own.

Table 1 – Buena Vista and Burnt Mill Projects

Specifications	Buena Vista BESS	Burnt Mill BESS
Location	Buena Vista, CO	Pueblo, CO
Guaranteed Commercial Operation Date (COD)	September 30, 2027	December 30, 2027
Configuration	Standalone BESS	Standalone BESS
Useable Power - AC Power at the POI	4.5 MW	5.0 MW
Initial Usable Energy (usable at the POI, net of Station Power usage) at Continuous Power (CP)	18.0 MWh 4.5 MW over 4 continuous hours	20.0 MWh 5.0 MW over 4 continuous hours
POI	Revenue meter located on the primary side of the 12.47 kV Medium Voltage Transformer (MVT)	Revenue meter located on the primary side of the 12.47 kV MVT
AC Rountrip Efficiency (POI to POI) <i>Including</i> auxiliary power losses	86% minimum	86% minimum
Maximum Annual Cycles	365 cycles (0% to 100% SOC full or aggregate); up to two cycles per day	365 cycles (0% to 100% SOC full or aggregate); up to two cycles per day
Degradation Management	Maintain power and energy capacity for 20 years at the POI	Maintain power and energy capacity for 20 years at the POI
System Design Life	20 Years	20 Years
Tax Credit Qualification	<ul style="list-style-type: none"> Start of Construction: 2026 	<ul style="list-style-type: none"> Start of Construction: 2026

	<ul style="list-style-type: none"> Non-Prohibited Foreign Entity (PFE): 55% Prevailing Wage and Apprenticeship (PWA) Requirements¹ 	<ul style="list-style-type: none"> Non-PFE: 55% Prevailing Wage and PWA Requirements
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Table 2 - El Moro and Ft Laramie Projects

Specifications	El Moro BESS	Fort Laramie BESS
Location	El Moro, CO	Fort Laramie, WY
Guaranteed COD	December 30, 2027	October 31, 2027
Configuration	Standalone BESS	Standalone BESS
Useable Power - AC Power at the POI	5.0 MW	5.0 MW
Initial Usable Energy (usable at the POI, net of Station Power usage) at CP	20.0 MWh 5.0 MW over 4 continuous hours	20.0 MWh 5.0 MW over 4 continuous hours
POI	Revenue meter located on the primary side of the 24.7 kV Medium Voltage Transformer (MVT)	Revenue meter located on the primary side of the 34.5 kV MVT
AC Rountrip Efficiency (POI to POI) <i>Including</i> auxiliary power losses	86% minimum	86% minimum
Maximum Annual Cycles	365 cycles (0% to 100% SOC full or aggregate); up to two cycles per day	365 cycles (0% to 100% SOC full or aggregate); up to two cycles per day
Degradation Management	Maintain power and energy capacity for 20 years at the POI	Maintain power and energy capacity for 20 years at the POI
System Design Life	20 Years	20 Years
Tax Credit Qualification	<ul style="list-style-type: none"> Start of Construction: 2026 Non-PFE: 55% PWA Requirements 	<ul style="list-style-type: none"> Start of Construction: 2026 Non-PFE: 55% PWA Requirements

Table 3 - LaGrange and Swallows Projects

Specifications	La Grange BESS	Swallows BESS
Location	La Grange, WY	Pueblo, CO
Guaranteed COD	October 31, 2027	December 30, 2027
Configuration	Standalone BESS	Standalone BESS
Useable Power - AC Power at the POI	5.0 MW	10.0 MW

¹ Contractor shall meet PWA requirements for the Clean Electricity Investment Credit - <https://www.irs.gov/credits-deductions/prevailing-wage-and-apprenticeship-requirements>

Initial Usable Energy (usable at the POI, net of Station Power usage) at CP	20.0 MWh 5.0 MW over 4 continuous hours	40.0 MWh 10.0 MW over 4 continuous hours
POI	Revenue meter located on the primary side of the 34.5 kV Medium Voltage Transformer (MVT)	Revenue meter located on the primary side of the 24.7 kV MVT
AC Rountrip Efficiency (POI to POI) <i>Including auxiliary power losses</i>	86% minimum	86% minimum
Maximum Annual Cycles	365 cycles (0% to 100% SOC full or aggregate); up to two cycles per day	365 cycles (0% to 100% SOC full or aggregate); up to two cycles per day
Degradation Management	Maintain power and energy capacity for 20 years at the POI	Maintain power and energy capacity for 20 years at the POI
System Design Life	20 Years	20 Years
Tax Credit Qualification	<ul style="list-style-type: none"> Start of Construction: 2026 Non-PFE: 55% PWA Requirements 	<ul style="list-style-type: none"> Start of Construction: 2026 Non-PFE: 55% PWA Requirements

Bid Options

The Buyer is seeking the following options ("Bid Options"):²

- Bid Option A: MACR 55% Non-PFE Energy Storage Technology³
- Bid Option B: MACR 55% Non-PFE Energy Storage Technology and 50% Domestic Content⁴

Scope of Work

The Contactor shall engineer, supply, deliver, construct, install, integrate, and commission a turnkey BESS, including at a minimum, the following scope of work:

- Battery Systems:** Bidder shall supply battery systems to include battery racks, containing

² Bidder to complete the Appendix F - Offer Form and submit the minimum proposal requirements per Section 2.2.

³ 55% Non-PFE supply chain required for Energy Storage Technology for Option A and Option B bids. Under the MACR calculation for the Clean Energy tax credits (specifically the 30C and 45Y/48E credits), the IRS and the Department of Energy define "Energy Storage Technology" to include battery systems (including all internal components), inverters, LV and inverter transformers, and EMS hardware components. Bidders to review recent guidance published by the IRS chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://www.irs.gov/pub/irs-drop/n-26-15.pdf. Shortlisted bidders must provide a third-party formal certification that allow the taxpayer to verify that the project meets the 55% non-PFE threshold.

⁴ 50% Domestic Content required for Bid Option B bid and shall include current IRS guidance - <https://www.irs.gov/credits-deductions/domestic-content-bonus-credit>. Contractor shall include the use of domestic steel and iron in the following applications:

Rebar for concrete foundations (BESS Enclosures & inverters / MVTs / GSU / HV Breaker / Concrete pile foundations in substation)

- Steel pile foundations for equipment (if applicable)
- Structural support(s) for fire suppression system
- Structural supports within the substation (Breaker bays, pedestals and risers for ridged bus and associated gear) - excludes T-line poles / structures

Shortlisted bidders must provide a third-party formal certification that allow the taxpayer to verify that the project meets the 50% domestic content threshold.

- battery modules, within an enclosure integrated with onboard thermal management, Battery Management System (BMS), Fire Protection System (FPS), internal protection, monitoring, and other systems as needed within the enclosure(s), certified with applicable codes and standards.
2. Bidirectional Power Conversion System (PCS): Bidder shall supply PCS (internal string, modular, or central).
 3. Medium-Voltage Transformer (MVT): Bidder shall supply the MVT (can be PCS/MVT skid solution).
 4. Additional Balance of Plant (BOP) Equipment: Bidder shall supply any additional BOP equipment, supplies, machinery, and tools required to deliver a fully operational site, to include at minimum: Medium-Voltage Switchgear (MVSG), LV auxiliary transformers, field network enclosures (FNEs), switchboards, DC conduit, and wiring between BESS Facility equipment to the POI.
 5. EMS/PPC: Bidder shall provide an EMS/PPC and device integration with controllers, HMI, SCADA, networking, communications, and cybersecurity.
 6. Commissioning: Bidder shall perform Original Equipment Manufacturer (OEM) cold and hot commissioning of the provided equipment, unit- and site-level commissioning, and Substantial Completion Testing.⁵
 7. Warranty and Performance Guarantees (PFG): The Bidder shall supply pricing and details for a standard warranty and Performance Guarantees covering the equipment and services provided.
 8. Shipping: Bidder shall provide pricing to include Delivered Duty Paid (DDP).
 9. Long-term Service Agreement (LTSA): The Bidder shall supply an LTSA template with annual pricing for preventative maintenance and corrective maintenance, warranty, and performance guarantees.
 10. EPC: Bidder shall provide engineering design, equipment procurement, construction, and commissioning services required to deliver a fully operational BESS to the POI, including but not limited to permitting, receiving/handling/transport, installation, site safety, and coordination.

The desired outcome of this Request for Proposals (RFP) is the successful negotiation and execution of supply and services agreements. Any person or entity responding to this RFP is referred to herein individually as a "Bidder" and collectively as "Bidders." A Bidder may consist of one or more "Contractors."

1.3 RFP Communications

Fractal Energy Storage Consultants will manage the RFP process on behalf of Syrcuit Energy Solutions. Syrcuit Energy Solutions will be copied on all correspondence. All submittals, inquiries, and communications relating in any manner to this RFP should be directed to the following points of contact.

Judy McElroy / CEO / judy@fractalba.com

CC: Susan Hunter / Chief Commercial Officer / susan@syrccuit.com; and

Kari Anglin / Director of Origination / kari@syrccuit.com

Correspondence and/or bid submissions must have the following in the subject line:

Subject: Syrcuit BESS Portfolio RFP

During the RFP process, please submit questions using [Appendix M - Bidder QA Template](#) to the emails listed above. Consistent with policy, any questions submitted after the deadline listed below will not be answered. Written responses to questions will be distributed to all intended Bidders without attribution to the inquiring Bidder unless the questions are Bidder or project-specific.

1.4 Schedule

[Table 4 – Estimated RFP Schedule](#) shows the RFP schedule of events. Additional events may be scheduled after the RFP is distributed. Should the schedule of events change, the Buyer will notify the Bidders. However, it is the Bidder’s sole responsibility to keep informed of the schedule.

Table 4 – Estimated RFP Schedule

Milestone	Date
RFP Release Date	March 16, 2026
Deadline for Bidder’s Questions	March 26, 2026
Final Responses to Questions	April 3, 2026
Bidder Proposals Due	By 3:00 p.m. MT, April 16, 2026
Target date for Shortlist Selection	April 30, 2026
Finalist Notification	May 12, 2026
Finalist Contract Negotiations	May 13, 2026 - June 11, 2026
Fully Executed Agreement(s)	June 12, 2026

1.5 Eligibility Requirements

This section describes the minimum requirements that all Proposals must satisfy to be eligible for consideration. Unless the Buyer elects otherwise in its sole discretion, Proposals that do not comply with these requirements will be deemed ineligible and will no longer be considered.

The Buyer may change the terms, requirements, and schedule of this solicitation at its sole discretion. Bidders should monitor announcements regarding any updates or changes, including circulated questions and answers.

Technology Eligibility

The BESS technology must have a minimum of twelve (12) months of successful operating history, with at least 20 MW deployed at a single site or across multiple sites domestically, and a successful operational history of at least three (3) years at the same site(s). The technology must comply with technical requirements and current codes and standards in [Appendix A - Scope of Work BESS](#)

Bidder Eligibility

The Bidder must possess all required licenses, registrations, and permits to perform the work and operate the vehicles and equipment necessary to perform the work in Colorado, Wyoming, or New Mexico. While New Mexico qualifications are not required in this RFP, New Mexico is a state in which future projects are contemplated, and therefore, such qualifications would be viewed favorably. The Bidder must be in good standing to perform work in the aforementioned states and in good standing with applicable manufacturers, suppliers, and past customers. The Bidder’s project development team must demonstrate

experience and performance records of similar work. Please include at least one reference from an entity for whom you have performed turnkey EPC services for BESS projects.

Teaming and subcontracting relationships are encouraged, and these minimum qualification requirements may collectively be satisfied by combining the qualifications of team members and subcontractors committed to perform in the event of award. Individual qualification criteria, however, must be satisfied by individual entities.

Bidder certifies by signing below that it meets all of the applicable (as noted for each project) requirements listed herein.

Company (Offeror)

Signature of Authorized Representative (Officer of the Company)

Printed Name

Title

Date

2.0 Submittal Requirements

2.1 Submission Instructions

RFP proposal submissions should be directed to the following points of contact:

Judy McElroy / CEO / judy@fractalba.com

CC: Susan Hunter / Chief Commercial Officer / susan@syrccuit.com; and

Kari Anglin / Director, Origination / kari@syrccuit.com

Correspondence/bid submission must have the following in the subject line:

Subject: Syrcuit BESS Portfolio RFP

It is the Bidder's responsibility to ensure a **complete** Proposal is submitted. The following are mandatory requirements that Bidders must comply with and/or submit along with their Proposals to be considered by the Buyer for evaluation.

Document	Review	Complete	Redline*	Submit
Bidder Proposal (see Section 2.2 for Proposal Requirements)	X	X		X
Appendix A - Scope of Work BESS	X			
Appendix B - Division of Responsibility	X		X	X
Appendix C - Site Description	X			
Appendix D - Bidding Team and Qualifications		X		X
Appendix E - Financial Credit Information		X		X
Appendix F - Offer Form		X		X
Appendix G - Insurance Requirements	X			
Appendix H – BESS Substantial Completion Test Plan	X			
Appendix I - Cybersecurity Requirements	X			
Appendix J – Contractor Deliverables	X			
Appendix K - Warranty, Operations, and Maintenance		X		X
Appendix L – Turnkey EPC BESS Term Sheet	X		X	X
Appendix M – Bidder Q&A Template	X	X		X
Attachments	X			

*Bidders must submit these documents with comments and/or redlines. Any and all exceptions to these documents must be clearly acknowledged and inserted in “tracked-changes” (red-lined) format using Microsoft Office or a compatible program and must accompany the Proposal. If there are no exceptions, the words “NO EXCEPTIONS” must be stated on the document.

Bidders must submit a PDF (portable document format) of the proposal together with supporting documentation and information on or before the RFP response deadline.

As an alternative, Bidders may provide proposals and/or supporting documentation and information via a secure file-sharing website. Bidders using this option must submit an email by the RFP response deadline that contains access instructions to the proposed file-sharing site. The Buyer reserves the right to reject any proposed file-sharing site that it deems unsafe or insecure.

2.2 Written Proposal Requirements

Bidders must prepare and submit a formal proposal (“Proposal”). The following guidelines are provided to standardize the proposal preparation and submission. The intent is to assist Bidders in preparing their submissions and to assist the Buyer in simplifying the review process.

- Proposals should be less than 30 pages long (excluding appendices or exhibits).
- Email attachments must be less than 20 MB.
- It is the Bidder's responsibility to confirm receipt of proposals by the Buyer.

Bidder Written Proposal Requirements

1.	Cover Letter (max 1 page)
	<p>Bidders must include a cover letter that:</p> <ul style="list-style-type: none"> • Clearly indicates the Bidder has carefully read all the provisions of the RFP • Includes a commitment by the Bidder, if selected, to enter good faith negotiations with the Buyer • Names the person(s) authorized to represent the Bidder (including for each person their title, address, e-mail address, and telephone numbers) • Specifies the term of the pricing
2.	Table of Contents
	The bidder must include a navigable table of contents in the Proposal that itemizes its sections and subsections.
3.	Bidding Team and Qualifications
	<p>The Bidder must complete and submit:</p> <p><u>Appendix D – Bidder Team and Qualifications</u></p> <p><u>Appendix E – Financial Credit Information</u></p>
4.	Technology Summary
	The Bidder must list all major components (battery cells, modules/packs, racks/clusters, BMS, enclosure, thermal management, FPS, FACP, PCS, MVT, MVSG, EMS) and compliance with applicable codes and standards.
5.	Warranty
	The Bidder completes and submits <u>Appendix K - Warranty, Operations, and Maintenance</u> .
6.	Term Sheet Review
	<p>The Bidder must review, redline, and comment on <u>Appendix L – Turnkey BESS Term Sheet</u>. Failure to do this will result in a nonconforming proposal. Vague comments, e.g., To Be Discussed, will not be accepted. Any and all exceptions to these documents must be clearly acknowledged and inserted in “tracked-changes” (red-lined) format using Microsoft Office or</p>

	compatible and must accompany the Proposal. If there are no exceptions to documents, the words “NO EXCEPTIONS” must be stated at the top of each document.
7.	Division of Responsibility Review and Submission
	The Bidder must review, redline, comment, identify exclusions, and submit <u>Appendix B - Division of Responsibility</u> . Any and all exceptions must be acknowledged and inserted as a note or comment in the relevant cell. If there are no exceptions to documents, the words “NO EXCEPTIONS” must be stated at the top of each document.
8.	Offer Form Completion and Submission
	The Bidder must complete and submit <u>Appendix F - Offer Form</u> .
9.	Project Design Package
	<p>The Bidder must submit:</p> <ul style="list-style-type: none"> • Specification and data sheets from manufacturers of all major components (may be submitted in appendices) • Conceptual site layout • Station power sizing and design requirements for equipment provided based on Project Design Criteria defined in <u>Appendix A – BESS Scope of Work</u>.
10.	Project Schedule
	<p>The Bidder must submit:</p> <p>The Bidder shall submit a high-level construction schedule to support the following Project milestones:</p> <ul style="list-style-type: none"> • LNTP/NTP • Engineering milestones (kick-off, 30%/60%/90%/IFC) • Procurement and lead-times • Mobilization • Key Construction Activities • Guaranteed Delivery for Battery Systems and PCS delivery • Mechanical Completion (MC) • Energization • Testing & Commissioning • Guaranteed Substantial Completion • Guaranteed COD
11.	Testing
	<p>The Bidder must submit a description of the following test plans for all major equipment provided:</p> <ul style="list-style-type: none"> • Factory Acceptance Testing (FAT) Plan • Cold Commissioning Plan • Hot Commissioning Plan • Site-Level Commissioning
12.	Maintenance, Monitoring, and Spare Parts
	The Bidder must complete and submit <u>Appendix K - Warranty, Operations, and Maintenance</u> .

13.	Training Plan
	<p>The Bidder must provide a detailed description of a training plan for the Buyer’s personnel and first responders, including:</p> <ul style="list-style-type: none"> • Sample schedule • Topics • Course Materials

14.	Safety
	<p>Bidders must provide safety information for the most recent three (3) years as follows:</p> <ul style="list-style-type: none"> • An annual statement of worker’s compensation Experience Modification Rating (EMR) (preferably on National Council on Compensation Insurance (NCCI) letterhead). Bidders with an EMR > 1.3 may be disqualified. Bidders with an EMR > 1.3 should explain in detail any extenuating circumstances. • The Occupational Safety and Health Administration (OSHA) Recordable Injury Rates (RIR) and the U.S. Bureau of Labor Statistics Standard Industrial Classification (SIC) Code average for the industry • The OSHA citation history. Bidders with “willful” OSHA citations may be disqualified. All “willful” OSHA citations must be explained in detail. <p>The OSHA 300 & 300 (A) injury / illness logs. Bidders must additionally provide the following:</p> <ul style="list-style-type: none"> • An electronic copy of the Bidder’s safety manual (as an exhibit) • A statement of the Bidder’s ability to provide an individual that: <ul style="list-style-type: none"> ○ Has completed the OSHA thirty (30) hour outreach training course ○ Will be committed and available to support the Project to be performed under the Proposal ○ Will be responsive in a timely manner for participation in safety events, analysis and/or sessions

15.	Exclusions and Clarifications
	<p>Bidder must itemize and explain any general, technical, and/or commercial exclusions and clarifications to the Proposal.</p>

Bidder must submit a PDF (portable document format) of the proposal, supporting documentation, and information on or before the RFP response deadline. Please do not submit any single email containing more than 20 MB of data.

2.3 Firm Proposal and Pricing

Each Proposal shall be firm and binding for (270) days from the date the Proposals are due under this RFP. Each Proposal should indicate if the proposed pricing is fixed or is subject to escalation. In the case where pricing is subject to escalation, each Proposal must include details regarding the proposed escalation method, including all factors that will trigger pricing adjustments, the amounts of the proposed pricing adjustments, and all associated caps related to proposed pricing adjustments. Please describe the potential sensitivity of the proposal to increased or decreased trade tariffs

2.4 Taxes

Bidders shall be responsible for all applicable local and state taxes associated with the provision of the BESS equipment and related services. However, Bidders are instructed not to include any such taxes in their proposal pricing. Detailed information regarding applicable tax rates and their applicability will be provided to shortlisted Bidders during the subsequent evaluation and negotiation phase.

2.5 Insurance

Regardless of what type of bid option is selected, the Bidder must meet the insurance requirements itemized in [Appendix G - Insurance Requirements](#).

3.0 Evaluation and Selection Criteria

All eligible and responsive proposals will be evaluated based on the criteria outlined below to determine the best value for the Buyer. Please note that the Buyer may choose whether to award a contract as part of this solicitation (see [Section 4.0 Confidentiality and RFP Disclaimers](#)).

3.1 Selection Process

The Buyer will evaluate proposals based on the specified factors. This evaluation will consider the submitted information as well as reference checks. Short-listed respondents may be interviewed, and additional information may be requested as necessary. The Buyer retains the right to reject proposals or waive informalities in its best interest.

3.2 Evaluation Factors

The Selection Committee will assess proposals using the following criteria:

1. Total Cost of Ownership. Evaluations will factor in all associated costs with the BESS, including capital expenditure (CAPEX), operational expenditure (OPEX), and commercial terms. The cost per MWh of the BESS and other related expenses will also be reviewed. Multiple contingencies or price adjustments that introduce risk or price uncertainty for Buyer will not be viewed favorably.
2. Project Experience & Financial Stability. Points will be awarded based on relevant past projects, the experience of the project team, and their financial stability. Feedback from previous clients and Bidder's capability to provide timely emergency repair services will also be considered.
3. Technical Feasibility. Points will be awarded for the proposed technology's development and functionality. The proposal should provide clear details regarding the technology's specifications, operational requirements, and warranties.
4. Project Plan and Schedule. Points will be awarded for a well-developed project plan that aligns with the Buyer's objectives and the Bidder's ability to meet the proposed timeline.

4.0 Confidentiality and RFP Disclaimers

4.1 Confidentiality

Bidders shall have signed a non-disclosure agreement prior to receipt of this RFP. The Bidder agrees that this RFP, addenda, appendices, and any response and discussion related thereto are subject to the NDA and constitute "Confidential Information" under the NDA.

4.2 Award of Contract and Reservation of Rights

The Buyer reserves the right to modify, supplement, or withdraw this RFP at any time, whether due to changes in law or otherwise, including by issuing one or more addenda to this RFP during this solicitation, which addenda must become a part of this RFP.

No part of this RFP and no part of any subsequent correspondence by the Buyer, its members, affiliates, or their respective employees, shareholders, officers, directors, agents, attorneys, and advisors must be taken as providing legal, financial, or other advice or as establishing a contract or contractual obligation. Contractual obligations on the Buyer's part will arise only if and when definitive agreements have been approved and executed by the appropriate parties having the authority to approve and enter into such agreements.

The Buyer reserves the right to request information that is not explicitly detailed in this document, obtain clarification from Bidders concerning proposals, conduct contract development discussions with selected Bidders, and discuss proposals with members of the proposal evaluation team and other support resources as described in this RFP.

The Buyer reserves the right to accept one or more Proposals or reject any or all Proposals received in response to this RFP and to waive informalities and irregularities in the Proposals received.

Under no circumstance must the Buyer be responsible for the costs of preparing any responses to this RFP.

This RFP does not commit the Buyer to enter into a contract or award any services related to this RFP.

Any verbal communication with any employee of the Buyer, or any of its members, contractors, affiliates, or their respective employees, shareholders, officers, directors, agents, attorneys, and advisors concerning this RFP is not binding and must in no way alter any term or condition of the RFP.

No work must commence until the Buyer signs a contract and the Bidder provides the necessary evidence of insurance or bonds as may be required in this RFP and the contract.

No award will be given to any bidder who cannot satisfy the Buyer that it has sufficient ability and experience in this class of work and sufficient capital and resources to complete the work successfully within the specified time. The Buyer's decision or judgment on these matters will be final, conclusive, and binding. The Buyer may make such investigations as it deems necessary, and the Bidder shall furnish to the Buyer, under oath if so required, all such information and data for this purpose as Buyer may request.

If the parties cannot negotiate and execute a contract within the specified time, the Buyer reserves the right to terminate negotiations with the selected Bidder and commence negotiations with another Bidder.

All proposals and other documents submitted will become the property of the Buyer.

4.3 Independent Contractor

Bidder agrees and understands that, if selected, it and all persons designated by it to provide services in connection with a contract are and must be deemed to be independent contractors, responsible for their respective acts or omissions, and that Buyer must in no way be responsible for the Bidder's actions, and that no Bidder will have any authority to bind others or to hold out to third parties, that it has such authority.

4.4 Equality of Information to Bidders

Each Bidder has been supplied with the same RFP documents. Any questions received and answers provided will be issued to all Bidders unless the nature of the question and answer is proprietary to a given Bidder. For a question to be treated as proprietary, it must be identified as such by the Bidder submitting.

5.0 RFP Documentation

The Syrcuit BESS Portfolio RFP package includes the following documentation and attachments:

RFP Package
RFP Instructions
Appendix A - Scope of Work BESS
Appendix B - Division of Responsibility
Appendix C - Site Description
Appendix D - Bidding Team and Qualifications
Appendix E - Financial Credit Information
Appendix F - Offer Form
Appendix G - Insurance Requirements
Appendix H – BESS Substantial Completion Test Plan
Appendix I - Cybersecurity Requirements
Appendix J – Contractor Deliverables
Appendix K - Warranty, Operations, and Maintenance
Appendix L – Turnkey EPC BESS Term Sheet
Appendix M – Bidder Q&A Template
Attachments
KMZ Buena Vista 01262026.pdf
KMZ Burnt Mill 01262026.pdf
KMZ El Moro 01262026.pdf
KMZ Swallows 01262026.pdf
KMZ La Grange 01262026.pdf
KMZ Fort Laramie 01262026.pdf