

**Illinois Power Agency**  
**Supplemental Procurement Events**  
**for Block Energy**  
**Request for Proposals Process and Rules**

29 April 2022

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## **ARTICLE I. Purpose**

### **I.1. Background**

- I.1.1. Pursuant to Illinois Public Act 95-0481, effective August 28, 2007 (the “Act”), including the Act’s amendments to the Public Utilities Act (“PUA”), on September 29, 2021 the Illinois Power Agency (“IPA”) filed a Procurement Plan with the Illinois Commerce Commission (“ICC” or “Commission”). The ICC issued an Order on November 4, 2021 approving the IPA’s Procurement Plan. For purposes of this document, the “Procurement Plan” means the Procurement Plan prepared to conform with this ICC Order and dated February 7, 2022.
- I.1.2. Pursuant to the Procurement Plan, in the Spring of 2022, a procurement event was held to procure specific quantities of on-peak and off-peak energy in monthly periods from June 1, 2022 through May 31, 2025 to be delivered to Ameren Illinois Company (“AIC”), a second procurement event was held to procure specific quantities of on-peak and off-peak energy in monthly periods from June 1, 2022 through May 31, 2025 to be delivered to Commonwealth Edison Company (“ComEd”), and a third procurement event was held to procure specific quantities of on-peak and off-peak energy in monthly periods from June 1, 2022 through May 31, 2023 to be delivered to MidAmerican Energy Company (“MEC”). The Procurement Administrator for these procurement events was NERA Economic Consulting and the Procurement Monitor was Bates White, LLC.
- I.1.3. Bids were received for all three (3) procurement events on April 18, 2022 and thus these procurement events are also referred to as the “April 18 Procurement Events”. These procurement events failed to fully meet the expected load requirements of AIC, ComEd, and MEC (each a “Company”). In accordance with Section 16-111.5 of the Act, the Procurement Administrator, the Procurement Monitor, and ICC Staff met within ten (10) days to analyze potential causes of low supplier interest. At this meeting, these parties agreed that additional procurement events would be held at the earliest opportunity to

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procure block energy for the period June through September 2022 for all three (3) Companies. These additional procurement events are called the “Supplemental Procurement Events”.

I.1.4. The present document, in conjunction with all its appendices, constitutes the Request for Proposals (“RFP”) to solicit bids from suppliers for the Supplemental Procurement Events. This RFP is referred to as the “Supplemental RFP”. The present document alone is referred to as the “Supplemental Rules”. The RFP used to solicit bids from suppliers for the April 18 Procurement Events is referred to as the “BEC RFP” and the document that detailed the qualification standards and bidding process under the BEC RFP is referred to as the “RFP Rules” and is dated March 16, 2022. Capitalized terms in the present document are defined herein or are defined in the RFP Rules.

I.1.5. The following documents are an integral part of the Supplemental RFP:

Appendix 0:	RFP Rules
Appendix 1:	AIC Confirmation Agreement
Appendix 2:	ComEd Master Agreement
Appendix 3:	MEC Confirmation Agreement
Appendix 4:	RESERVED
Appendix 5:	Part 1 Form (Illustrative)
Appendix 6:	Part 2 Form (Illustrative)
Appendix 7:	Bid Form (illustrative)
Appendix 8:	RESERVED
Appendix 9:	Financial Attestation
Appendix 10:	Standard Pre-Bid Letter of Credit for AIC Energy Products
Appendix 11:	Standard Pre-Bid Letter of Credit for ComEd
Appendix 12:	Standard Pre-Bid Letter of Credit for MEC
Appendix 13:	RESERVED
Appendix 14:	Sample request for return of cash
Appendix 15:	Officers’ Certificate
Appendix 16:	Confidentiality Statement
Appendix 17:	Additional Information Concerning Maximum Willingness to Supply

Highlighted documents are unchanged from the documents issued March 16, 2022 under the BEC RFP.

## **I.2. Overview of Supplemental RFP**

I.2.1. As further explained in the remaining sections of this document, the Supplemental RFP maintains the procurement process and rules of the BEC RFP in respect to the procurement events for block energy except:

- Dates are modified in accordance with the schedule provided in this section. If the Procurement Administrator further modifies the schedule, any such modification will be posted for the procurement website ([www.ipa-energyrfp.com](http://www.ipa-energyrfp.com)).
- A Bidder that fulfilled all the requirements of the Part 1 Proposal for a procurement event for a Company under the BEC RFP (a “Prior P1 Bidder”) will be able to satisfy all Part 1 Proposal requirements for the Supplemental Procurement Event for that Company by making all representations required by the Part 1 Proposal and by making any needed updates to contact information for the individuals named in the Proposal. A Bidder that is not a Prior P1 Bidder and that submits a Part 1 Proposal for a procurement event for a Company under the Supplemental RFP must submit to all Part 1 Proposal requirements of the BEC RFP in respect to that procurement event.
- The Procurement Administrator will not be soliciting comments on the Standard Letters of Credit.
- Prior P1 Bidders that fulfill all the requirements of the Part 1 Proposal for a Supplemental Procurement Event will receive a Part 1 Notification to which will be attached: (i) a Bid Form; (ii) instructions for completing, encrypting, and submitting the Bid Form; and (iii) confidential information for the submission of Bids. A Bidder that is not a Prior P1 Bidder that fulfills all the requirements of the Part 1 Proposal for a Supplemental Procurement Event will receive a Part 1 Notification to which will be attached: (i) the Bid Form; (ii) instructions for

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completing, encrypting, and submitting the Bid Form; (iii) confidential information for the submission of Bids, including a username, a password, and a security code unique to that Bidder; and (iv) a creditworthiness assessment.

- A Bidder that fulfilled all the requirements of the Part 2 Proposal (except for Bids) for a procurement event for a Company under the BEC RFP (a “Prior P2 Bidder”) will be able to satisfy all Part 2 Proposal requirements (except for Bids) for the Supplemental Procurement Event for that Company by making all representations required by the Part 2 Proposal and by meeting the bid assurance collateral requirements. A Bidder that is not a Prior P2 Bidder and that submits a Part 2 Proposal for a procurement event for a Company under the Supplemental RFP must submit to all Part 2 Proposal requirements of the BEC RFP in respect to that procurement event.

I.2.2. Time is of the essence. The calendar for the Supplemental Procurement Events is as follows.

**Table I-1. RFP Schedule**

<b>Event</b>	<b>Date</b>
Supplier contracts posted	Friday, April 29, 2022
RFP Documents issued	Friday, April 29, 2022
Online Part 1 Form is available to Bidders	Saturday, April 30, 2022
Opening of Part 1 Window (Procurement Administrator begins processing Part 1 Proposals)	Monday, May 02, 2022
Part 1 Date (Part 1 Proposals are due by 12 PM noon)	Wednesday, May 04, 2022
Bid Participation Fee is due	Wednesday, May 04, 2022
Part 1 Notification	Friday, May 06, 2022
Online Part 2 Form is available to Bidders	Saturday, May 07, 2022
Opening of Part 2 Window	Monday, May 09, 2022
Part 2 Date (Part 2 Proposals are due except Bids are due by 12 PM noon)	Wednesday, May 11, 2022
Bid Date (Bids are due)	Monday, May 16, 2022

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<b>Event</b>	<b>Date</b>
Procurement Administrator submits confidential report on results of procurement events	Wednesday, May 18, 2022
ICC renders decision on results of procurement events	Friday, May 20, 2022
Applicable supplier contracts fully executed	Wednesday, May 25, 2022
Part 1 and Part 2 Proposals must remain in full force and effect until this date	Friday, May 27, 2022
Supplier fees due	Wednesday, June 01, 2022
Pre-Bid Letters of Credit expire	Friday, June 10, 2022

I.2.3. The Targets to be procured in the Supplemental Procurement Events, expressed in numbers of 25 MW blocks, are as follows:

**Table I-2. Targets**

<b>Company</b>	<b>AIC</b>		<b>ComEd</b>		<b>MEC</b>	
<b>Month</b>	<b>On-Peak</b>	<b>Off-Peak</b>	<b>On-Peak</b>	<b>Off-Peak</b>	<b>On-Peak</b>	<b>Off-Peak</b>
Jun 2022	-	-	73	58	-	-
Jul 2022	26	18	109	80	3	-
Aug 2022	24	18	102	74	2	-
Sep 2022	-	-	55	56	-	-

The number of blocks available for the July and August Combination, which is the minimum Target for the Products in that Combination, is provided in the table below:

**Table I-3. Number of Blocks Available for July and August Combination.**

<b>Company</b>	<b>AIC</b>		<b>ComEd</b>		<b>MEC</b>	
<b>Month</b>	<b>On-Peak</b>	<b>Off-Peak</b>	<b>On-Peak</b>	<b>Off-Peak</b>	<b>On-Peak</b>	<b>Off-Peak</b>
Jul-Aug22	24	18	102	74	2	-

Any other unfilled volumes from the April 18 Procurement Events will be procured in the fall procurement events planned under the BEC RFP.

### **ARTICLE III. AIC Procurement Event**

The Supplemental RFP maintains the requirements of Articles IV through VI of the RFP Rules for the submission of a Proposal for participation in the procurement event for AIC Energy Products except for the items specifically addressed in this section. For any Insert that is required by this Article and that requires a signature, a Bidder must complete and submit the Insert in one of two ways:

- the Insert is printed and signed or the Insert is completed using an electronic signature (such as a picture of a signature). In this case, the Insert must be sent by email by the signatory or with the signatory on copy; or:
- the Insert is digitally signed using an Acceptable Digital Signature. In this case, the Insert with the document or information verifying the identity of the signatory can be sent by email or by upload to the application website.

#### **III.1. Part 1 Proposal**

III.1.1. Comments on Letters of Credit. The Procurement Administrator is not soliciting comments on the Letters of Credit at this time.

III.1.2. Requirements for Bidders that are not Prior P1 Bidders. A Bidder that is not a Prior P1 Bidder and that submits a Part 1 Proposal for a procurement event for a Company under the Supplemental RFP must submit to all other Part 1 Proposal requirements of the BEC RFP in respect to that procurement event as detailed in Article IV of the RFP Rules. Furthermore, such Bidder must acknowledge and accept all the terms and conditions of the Supplemental Rules, which incorporate the RFP Rules, regardless of the outcome of the RFP or the outcome of such Proposal.

III.1.3. Requirements for Prior P1 Bidders. A Prior P1 Bidder for the procurement event for AIC Energy Products will have access to all materials that such Bidder submitted in its Part 1 Proposal for the April 18 Procurement Events.

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- A Prior P1 Bidder must review such Bidder's legal name and address as well as the contact information of the individuals named in the Proposal (the Officer of the Bidder, the Representative, and the Nominees). A Prior P1 Bidder must make any needed updates to such information.
  - A Prior P1 Bidder that updates contact information for the Nominees must do so by fully completing and submitting the Nominee Insert prepared for this purpose and available on the procurement website. The Nominee Insert is also labelled INSERT #P1-2.
  - A Prior P1 Bidder that updates the identity of the Representative and that submitted a Nominee Insert signed by the Representative with the Part 1 Proposal for the April 18 Procurement Events must resubmit the Nominee Insert if such Bidder opts to designate Nominees for the Supplemental Procurement Events. The Nominee Insert is also labelled INSERT #P1-2.
- In its Part 1 Proposal for the April 18 Procurement Event, a Prior P1 Bidder named an Entity on whose financial standing it was relying.
  - If this Entity is unchanged, such Bidder may, but is not required to, update the financial information or credit ratings for the Entity. If such Bidder opts to update the financial information or credit ratings for the Entity, the Procurement Administrator will communicate this information to AIC but the Procurement Administrator will not issue a creditworthiness assessment with respect to the Entity with the Part 1 Notification.
  - If a Prior P1 Bidder changes the Entity on whose financial standing it is relying, such Bidder must submit to all requirements of Section IV.3 of the RFP Rules.
- A Prior P1 Bidder may, but is not required to, update information necessary for the preparation of the applicable supplier contract documents. If such Bidder opts to do so,

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such Bidder fully completes the AIC Energy Contract Insert prepared for this purpose and available on the procurement website and provides the AIC Energy Contract Insert in Microsoft Word format. The AIC Energy Contract Insert is also labelled INSERT #P1-3. If the Procurement Administrator notifies such Bidder that the Bidder has Bids on AIC's Products and/or Combinations that are identified as winning Bids to the ICC, such Bidder will be required to provide all necessary information by 12 PM (noon) CPT on the day after such notification is received.

- A Prior P1 Bidder must make all representations required by the Part 1 Proposal.
  - A Prior P1 Bidder that has not changed the identity of the Officer of the Bidder may submit a single certification from the Officer of the Bidder that all previously made representations and certifications of the Part 1 Proposal submitted in response to the BEC RFP remain valid and will remain valid for the timeframes required by the Supplemental Rules. Such statement will apply to all procurement events for which such Bidder is a Prior P1 Bidder. The Officer of the Bidder of a Prior P1 Bidder that is also a Prior P2 Bidder can certify at the same time that all previously made representations and certifications of the Part 2 Proposal submitted in response to the BEC RFP remain valid and will remain valid for the timeframes required by the Supplemental Rules. Such statement will apply to all procurement events for which such Bidder is a Prior P1 Bidder and a Prior P2 Bidder. Such Bidder does so by completing and submitting the Prior P1 Bidder Insert prepared for this purpose. The Prior P1 Bidder Insert is also labelled INSERT #P1-17.
  - A Prior P1 Bidder that has changed the identity of the Officer of the Bidder must fully complete and submit: i) the Representative Insert designating the Representative of the Bidder; ii) the AIC Energy P1 Certifications Insert prepared

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for this purpose and available on the procurement website; and iii) the Nominee Insert but only if the Nominee Insert submitted with the Part 1 Proposal for the April 18 Procurement Events was signed by the Officer of the Bidder (and not the Representative). The Representative Insert and the Nominee Insert are submitted once for all procurement events under the Supplemental RFP. The Representative Insert is also labeled INSERT #P1-1. The Nominee Insert is also labeled INSERT #P1-2. The AIC Energy P1 Certifications Insert is also labelled INSERT #P1-4.

- A Prior P1 Bidder must acknowledge and accept all the terms and conditions of the Supplemental Rules, which incorporate the RFP Rules, regardless of the outcome of the RFP or the outcome of such Proposal.
- A Prior P1 Bidder must review all information and documents of the Part 1 Proposal submitted for participation in the April 18 Procurement Events. By clicking submit in the online Part 1 Form, such Bidder represents that all information is accurate and up-to-date.

III.1.4. Processing of Part 1 Proposals. Time is of the essence. As such, the time to cure deficiencies to the Part 1 Proposal is limited. A Bidder has until 12 PM (noon) on the Part 1 Date, or until 6 PM on the business day following the business day during which a first deficiency notice is sent to the Bidder, whichever comes later, to respond. If such Bidder responds to a deficiency notice within the time allowed but the response does not correct all deficiencies, the Bidder will, but only to the extent feasible, receive a further deficiency notice from the Procurement Administrator with additional time to respond. Such additional time to respond to a further deficiency notice may be as short as two (2) hours.

III.1.5. Part 1 Notification. The Procurement Administrator transmits to the Bidder using a secure file transfer interface a Part 1 Notification as well as documents necessary for the Bidder's

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continued participation in the Supplemental RFP. Prior P1 Bidders that fulfill all the requirements of the Part 1 Proposal for a Supplemental Procurement Event will receive a Part 1 Notification to which will be attached: (i) a Bid Form; (ii) instructions for completing, encrypting, and submitting the Bid Form; and (iii) confidential information for the submission of Bids, including a username, a password, and a security code unique to that Bidder. A Bidder that is not a Prior P1 Bidder and that fulfills all the requirements of the Part 1 Proposal for a Supplemental Procurement Event will receive a Part 1 Notification to which will be attached: (i) the Bid Form; (ii) instructions for completing, encrypting, and submitting the Bid Form; (iii) confidential information for the submission of Bids, including a username, a password, and a security code unique to that Bidder; and (iv) a creditworthiness assessment. These documents are provided electronically. The Procurement Administrator may re-issue the Bid Forms no later than two (2) business days prior to a Bid Date.

**III.2. Part 2 Proposal (Excluding Bids)**

- III.2.1. For purposes of this section, “Part 2 Proposal” means the Part 2 Proposal excluding Bids. Bid assurance collateral in an amount of \$430,000 allows a Bidder to bid on all blocks available for the procurement event of AIC Energy Products.
- III.2.2. Requirements for Bidders that are not Prior P2 Bidders. A Bidder that is not a Prior P2 Bidder and that submits a Part 2 Proposal for a procurement event for a Company under the Supplemental RFP must submit to all Part 2 Proposal requirements of the BEC RFP in respect to that procurement event as detailed in Article V of the RFP Rules.
- III.2.3. Requirements for Prior P2 Bidders. A Prior P2 Bidder for the procurement event for AIC Energy Products will have access to all materials that such Bidder submitted in its Part 2 Proposal for the April 18 Procurement Events.

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- In its Part 2 Proposal for the April 18 Procurement Event, a Prior P2 Bidder elected to submit bid assurance collateral in the form of cash or in the form of a Pre-Bid Letter of Credit.
  - The following requirements apply to a Prior P2 Bidder that submitted bid assurance collateral in the form of cash for the April 18 Procurement Event for AIC Energy Products, that has not made a request to AIC for the return of cash, and that intends on continuing to use cash as bid assurance collateral for its participation in the Supplemental Procurement Events. Such Bidder must:
    - (i) have an amount of cash as bid assurance collateral of \$5,000 per block times the total number of blocks that the Bidder intends to bid across all Segments and months for AIC or \$250,000, whichever is greater; (ii) submit a draft request for the return of cash to AIC on the letterhead of the entity to which the cash will be returned and meeting all other requirements as explained in Paragraph V.2.5 of the RFP Rules. If the amount of cash already held by AIC is insufficient to meet this amount, such Bidder must make a wire transfer to AIC for the difference between the amount required for the Supplemental Procurement Event for AIC and the amount already tendered for the April 18 Procurement Event for AIC Energy Products, following all instructions provided by the Procurement Administrator. Conversely, if the amount of cash already held by AIC exceeds the amount required for the Supplemental Procurement Event for AIC, such Bidder may, but is not required to, submit a fully executed request for return of cash to AIC for the difference between the amount tendered for the April 18 Procurement Event for AIC Energy Products and the amount required for the Supplemental Procurement Event for AIC. Such fully executed request for return of cash must

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be in the format submitted with the Part 2 Proposal in the April 18 Procurement Event for AIC.

- The following requirements apply to a Prior P2 Bidder that submitted bid assurance collateral in the form of a Pre-Bid Letter of Credit for the April 18 Procurement Event for AIC Energy Products, for which the Pre-Bid Letter of Credit remains in full force and effect, and that intends on submitting bid assurance collateral for the Supplemental Procurement Event for AIC in the form of a Pre-Bid Letter of Credit. To continue using the Pre-Bid Letter of Credit submitted in the April 18 Procurement Event for AIC Energy Products and that is already acceptable to AIC, such Bidder must submit an amendment to the Pre-Bid Letter of Credit submitted for the April 18 Procurement Event for AIC Energy Products. Such amendment must modify the Expiration Date of the Pre-Bid Letter of Credit from May 11, 2022 to June 10, 2022. Furthermore, the amount of the Pre-Bid Letter of Credit must be \$5,000 per block times the total number of blocks that the Bidder intends to bid across all Segments and months for AIC or \$250,000, whichever is greater. If the amount of the Pre-Bid Letter of Credit is insufficient to meet this amount, the amendment to the Pre-Bid Letter of Credit submitted for the April 18 Procurement Event for AIC Energy Products must also modify the amount so that it is sufficient. Conversely, if the amount of the Pre-Bid Letter of Credit submitted for the April 18 Procurement Event for AIC Energy Products exceeds the amount required for the Supplemental Procurement Event for AIC, the amendment to the Pre-Bid Letter of Credit may, but is not required to, reduce the amount of the Pre-Bid Letter of Credit, provided however that such amount must remain sufficient to support participation in the Supplemental Procurement Event for AIC.

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- The following requirements apply to all other Prior P2 Bidders. Such Bidder must elect whether it is submitting bid assurance collateral in the form of cash or in the form of a Pre-Bid Letter of Credit. Such Bidder must submit to all requirements for the submission of bid assurance collateral provided in Section V.2 and Section V.6 of the RFP Rules.
- A Prior P2 Bidder must make all representations required by the Part 2 Proposal.
  - A Prior P2 Bidder that has not changed the identity of the Officer of the Bidder will have submitted in the Part 1 Proposal a single certification from the Officer of the Bidder that all previously made representations and certifications of the Part 2 Proposal submitted in response to the BEC RFP remain valid and will remain valid for the timeframes required by the Supplemental Rules. Such statement will apply to all procurement events for which such Bidder is a Prior P2 Bidder. This certification will have been provided through the Prior P1 Bidder Insert prepared for this purpose. The Prior P1 Bidder Insert is also labelled INSERT #P1-17. Such requirement is fulfilled in the Part 1 Proposal and there is no additional requirement for such Prior P2 Bidder.
  - A Prior P2 Bidder that has changed the identity of the Officer of the Bidder must fully complete and submit the AIC P2 Energy Certifications Insert prepared for this purpose and available on the procurement website. The AIC P2 Energy Certifications Insert is also labelled INSERT #P2-3.
- A Prior P2 Bidder must review all information and documents of the Part 2 Proposal submitted for participation in the April 18 Procurement Events. By clicking submit in the online Part 1 Form, such Bidder represents that all information is accurate and up-to-date.

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III.2.4. Processing of Part 2 Proposals. Time is of the essence. As such, the time to cure deficiencies to the Part 2 Proposal is limited. If the deficiency does not concern bid assurance collateral, the Bidder has until 12 PM (noon) on the Part 2 Date, or until 6 PM on the business day following the business day during which a first deficiency notice is sent to the Bidder, whichever comes later, to respond. If the deficiency concerns bid assurance collateral, the Bidder has until 12 PM (noon) on the Part 2 Date, or until 6 PM on the second business day following the business day during which a first deficiency notice is sent to the Bidder, whichever comes later, to respond. If the Bidder responds to a deficiency notice within the time allowed but the response does not correct all deficiencies, the Bidder will, **but only to the extent feasible**, receive a further deficiency notice from the Procurement Administrator with additional time to respond. Such additional time to respond to a further deficiency notice may be as short as two (2) hours. In no event will the deadline to respond to a deficiency notice be after 9:30 AM CPT on the Bid Date.

## **ARTICLE IV. ComEd Procurement Event**

The Supplemental RFP maintains the requirements of Articles IV through VI of the RFP Rules for the submission of a Proposal for participation in the procurement event for ComEd except for the items specifically addressed in this section. For any Insert that is required by this Article and that requires a signature, a Bidder must complete and provide the Insert in one of two ways:

- the Insert is printed and signed or the Insert is completed using an electronic signature (such as a picture of a signature). In this case, the Insert must be sent by email by the signatory or with the signatory on copy; or:
- the Insert is digitally signed using an Acceptable Digital Signature. In this case, the Insert with the document or information verifying the identity of the signatory can be sent by email or by upload to the application website.

### **IV.1. Part 1 Proposal**

IV.1.1. Comments on Letters of Credit. The Procurement Administrator is not soliciting comments on the Letters of Credit at this time.

IV.1.2. Requirements for Bidders that are not Prior P1 Bidders. A Bidder that is not a Prior P1 Bidder and that submits a Part 1 Proposal for a procurement event for a Company under the Supplemental RFP must submit to all other Part 1 Proposal requirements of the BEC RFP in respect to that procurement event as detailed in Article IV of the RFP Rules. Furthermore, such Bidder must acknowledge and accept all the terms and conditions of the Supplemental Rules, which incorporate the RFP Rules, regardless of the outcome of the RFP or the outcome of such Proposal.

IV.1.3. Requirements for Prior P1 Bidders. A Prior P1 Bidder for the procurement event for ComEd will have access to all materials that such Bidder submitted in its Part 1 Proposal for the April 18 Procurement Events.

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- A Prior P1 Bidder must review such Bidder's legal name and address as well as the contact information of the individuals named in the Proposal (the Officer of the Bidder, the Representative, and the Nominees). A Prior P1 Bidder must make any needed updates to such information.
  - A Prior P1 Bidder that updates contact information for the Nominees must do so by fully completing and submitting the Nominee Insert prepared for this purpose and available on the procurement website. The Nominee Insert is also labelled INSERT #P1-2.
  - A Prior P1 Bidder that updates the identity of the Representative and that submitted a Nominee Insert signed by the Representative with the Part 1 Proposal for the April 18 Procurement Events must resubmit the Nominee Insert if such Bidder opts to designate Nominees for the Supplemental Procurement Events. The Nominee Insert is also labelled INSERT #P1-2.
- In its Part 1 Proposal for the April 18 Procurement Event, a Prior P1 Bidder named an Entity on whose financial standing it was relying.
  - If this Entity is unchanged, such Bidder may, but is not required to, update the financial information or credit ratings for the Entity. If such Bidder opts to update the financial information or credit ratings for the Entity, the Procurement Administrator will communicate this information to ComEd but the Procurement Administrator will not issue a creditworthiness assessment with respect to the Entity with the Part 1 Notification.
  - If a Prior P1 Bidder changes the Entity on whose financial standing it is relying, such Bidder must submit to all requirements of Section IV.3 of the RFP Rules.
- A Prior P1 Bidder may, but is not required to, update information necessary for the preparation of the applicable supplier contract documents. If such Bidder opts to do so,

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such Bidder fully completes the ComEd Contract Insert prepared for this purpose and available on the procurement website and provides the ComEd Contract Insert in Microsoft Word format. The ComEd Contract Insert is also labelled INSERT #P1-6. If the Procurement Administrator notifies such Bidder that the Bidder has Bids on ComEd's Products and/or Combinations that are identified as winning Bids to the ICC, such Bidder will be required to provide all necessary information by 12 PM (noon) CPT on the day after such notification is received.

- A Prior P1 Bidder must make all representations required by the Part 1 Proposal.
  - A Prior P1 Bidder that has not changed the identity of the Officer of the Bidder may submit a single certification from the Officer of the Bidder that all previously made representations and certifications of the Part 1 Proposal submitted in response to the BEC RFP remain valid and will remain valid for the timeframes required by the Supplemental Rules. Such statement will apply to all procurement events for which such Bidder is a Prior P1 Bidder. The Officer of the Bidder of a Prior P1 Bidder that is also a Prior P2 Bidder can certify at the same time that all previously made representations and certifications of the Part 2 Proposal submitted in response to the BEC RFP remain valid and will remain valid for the timeframes required by the Supplemental Rules. Such statement will apply to all procurement events for which such Bidder is a Prior P1 Bidder and a Prior P2 Bidder. Such Bidder does so by completing and submitting the Prior P1 Bidder Insert prepared for this purpose. The Prior P1 Bidder Insert is also labelled INSERT #P1-17.
  - A Prior P1 Bidder that has changed the identity of the Officer of the Bidder must fully complete and submit: i) the Representative Insert designating the Representative of the Bidder; ii) the ComEd P1 Certifications Insert prepared for

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this purpose and available on the procurement website; and iii) the Nominee Insert but only if the Nominee Insert submitted with the Part 1 Proposal for the April 18 Procurement Events was signed by the Officer of the Bidder (and not the Representative). The Representative Insert and the Nominee Insert are submitted once for all procurement events under the Supplemental RFP. The Representative Insert is also labeled INSERT #P1-1. The Nominee Insert is also labeled INSERT #P1-2. The ComEd P1 Certifications Insert is also labelled INSERT #P1-7.

- A Prior P1 Bidder must acknowledge and accept all the terms and conditions of the Supplemental Rules, which incorporate the RFP Rules, regardless of the outcome of the RFP or the outcome of such Proposal.
- A Prior P1 Bidder must review all information and documents of the Part 1 Proposal submitted for participation in the April 18 Procurement Events. By clicking submit in the online Part 1 Form, such Bidder represents that all information is accurate and up-to-date.

IV.1.4. Processing of Part 1 Proposals. Time is of the essence. As such, the time to cure deficiencies to the Part 1 Proposal is limited. A Bidder has until 12 PM (noon) on the Part 1 Date, or until 6 PM on the business day following the business day during which a first deficiency notice is sent to the Bidder, whichever comes later, to respond. If such Bidder responds to a deficiency notice within the time allowed but the response does not correct all deficiencies, the Bidder will, but only to the extent feasible, receive a further deficiency notice from the Procurement Administrator with additional time to respond. Such additional time to respond to a further deficiency notice may be as short as two (2) hours.

IV.1.5. Part 1 Notification. The Procurement Administrator transmits to the Bidder using a secure file transfer interface a Part 1 Notification as well as documents necessary for the Bidder's

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continued participation in the Supplemental RFP. Prior P1 Bidders that fulfill all the requirements of the Part 1 Proposal for a Supplemental Procurement Event will receive a Part 1 Notification to which will be attached: (i) a Bid Form; (ii) instructions for completing, encrypting, and submitting the Bid Form; and (iii) confidential information for the submission of Bids, including a username, a password, and a security code unique to that Bidder. A Bidder that is not a Prior P1 Bidder and that fulfills all the requirements of the Part 1 Proposal for a Supplemental Procurement Event will receive a Part 1 Notification to which will be attached: (i) the Bid Form; (ii) instructions for completing, encrypting, and submitting the Bid Form; (iii) confidential information for the submission of Bids, including a username, a password, and a security code unique to that Bidder; and (iv) a creditworthiness assessment. These documents are provided electronically. The Procurement Administrator may re-issue the Bid Forms no later than two (2) business days prior to a Bid Date.

**IV.2. Part 2 Proposal (Excluding Bids)**

- IV.2.1. For purposes of this section, “Part 2 Proposal” means the Part 2 Proposal excluding Bids. Bid assurance collateral in an amount of \$3,035,000 allows a Bidder to bid on all blocks available for the procurement event for ComEd.
- IV.2.2. Requirements for Bidders that are not Prior P2 Bidders. A Bidder that is not a Prior P2 Bidder and that submits a Part 2 Proposal for a procurement event for a Company under the Supplemental RFP must submit to all Part 2 Proposal requirements of the BEC RFP in respect to that procurement event as detailed in Article V of the RFP Rules.
- IV.2.3. Requirements for Prior P2 Bidders. A Prior P2 Bidder for the procurement event for ComEd will have access to all materials that such Bidder submitted in its Part 2 Proposal for the April 18 Procurement Events.

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- In its Part 2 Proposal for the April 18 Procurement Event, a Prior P2 Bidder elected to submit bid assurance collateral in the form of cash or in the form of a Pre-Bid Letter of Credit.
  - The following requirements apply to a Prior P2 Bidder that submitted bid assurance collateral in the form of cash for the April 18 Procurement Event for ComEd, that has not made a request to ComEd for the return of cash, and that intends on continuing to use cash as bid assurance collateral for its participation in the Supplemental Procurement Events. Such Bidder must: (i) have an amount of cash as bid assurance collateral of \$5,000 per block times the total number of blocks that the Bidder intends to bid across all Segments and months for ComEd or \$250,000, whichever is greater; (ii) submit a draft request for the return of cash to ComEd on the letterhead of the entity to which the cash will be returned and meeting all other requirements as explained in Paragraph V.3.5 of the RFP Rules. If the amount of cash already held by ComEd is insufficient to meet this amount, such Bidder must make a wire transfer to ComEd for the difference between the amount required for the Supplemental Procurement Event for ComEd and the amount already tendered for the April 18 Procurement Event for ComEd, following all instructions provided by the Procurement Administrator. Conversely, if the amount of cash already held by ComEd exceeds the amount required for the Supplemental Procurement Event for ComEd, such Bidder may, but is not required to, submit a fully executed request for return of cash to ComEd for the difference between the amount tendered for the April 18 Procurement Event for ComEd and the amount required for the Supplemental Procurement Event for ComEd. Such fully executed request for return of cash must be in the

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format submitted with the Part 2 Proposal in the April 18 Procurement Event for ComEd.

- The following requirements apply to a Prior P2 Bidder that submitted bid assurance collateral in the form of a Pre-Bid Letter of Credit for the April 18 Procurement Event for ComEd, for which the Pre-Bid Letter of Credit remains in full force and effect, and that intends on submitting bid assurance collateral for the Supplemental Procurement Event for ComEd in the form of a Pre-Bid Letter of Credit. To continue using the Pre-Bid Letter of Credit submitted in the April 18 Procurement Event for ComEd and that is already acceptable to ComEd, such Bidder must submit an amendment to the Pre-Bid Letter of Credit submitted for the April 18 Procurement Event for ComEd. Such amendment must modify the Expiration Date of the Pre-Bid Letter of Credit from May 11, 2022 to June 10, 2022. Furthermore, the amount of the Pre-Bid Letter of Credit must be \$5,000 per block times the total number of blocks that the Bidder intends to bid across all Segments and months for ComEd or \$250,000, whichever is greater. If the amount of the Pre-Bid Letter of Credit is insufficient to meet this amount, the amendment to the Pre-Bid Letter of Credit submitted for the April 18 Procurement Event for ComEd must also modify the amount so that it is sufficient. Conversely, if the amount of the Pre-Bid Letter of Credit submitted for the April 18 Procurement Event for ComEd exceeds the amount required for the Supplemental Procurement Event for ComEd, the amendment to the Pre-Bid Letter of Credit may, but is not required to, reduce the amount of the Pre-Bid Letter of Credit, provided however that such amount must remain sufficient to support participation in the Supplemental Procurement Event for ComEd.

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- The following requirements apply to all other Prior P2 Bidders. Such Bidder must elect whether it is submitting bid assurance collateral in the form of cash or in the form of a Pre-Bid Letter of Credit. Such Bidder must submit to all requirements for the submission of bid assurance collateral provided in Section V.3 and Section V.6 of the RFP Rules.
- A Prior P2 Bidder must make all representations required by the Part 2 Proposal.
  - A Prior P2 Bidder that has not changed the identity of the Officer of the Bidder will have submitted in the Part 1 Proposal a single certification from the Officer of the Bidder that all previously made representations and certifications of the Part 2 Proposal submitted in response to the BEC RFP remain valid and will remain valid for the timeframes required by the Supplemental Rules. Such statement will apply to all procurement events for which such Bidder is a Prior P2 Bidder. This certification will have been provided through the Prior P1 Bidder Insert prepared for this purpose. The Prior P1 Bidder Insert is also labelled INSERT #P1-17. Such requirement is fulfilled in the Part 1 Proposal and there is no additional requirement of such Prior P2 Bidder.
  - A Prior P2 Bidder that has changed the identity of the Officer of the Bidder must fully complete and submit the ComEd P2 Certifications Insert prepared for this purpose and available on the procurement website. The ComEd P2 Certifications Insert is also labelled INSERT #P2-5.
- A Prior P2 Bidder must review all information and documents of the Part 2 Proposal submitted for participation in the April 18 Procurement Events. By clicking submit in the online Part 1 Form, such Bidder represents that all information is accurate and up-to-date.

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IV.2.4. Processing of Part 2 Proposals. Time is of the essence. As such, the time to cure deficiencies to the Part 2 Proposal is limited. If the deficiency does not concern bid assurance collateral, the Bidder has until 12 PM (noon) on the Part 2 Date, or until 6 PM on the business day following the business day during which a first deficiency notice is sent to the Bidder, whichever comes later, to respond. If the deficiency concerns bid assurance collateral, the Bidder has until 12 PM (noon) on the Part 2 Date, or until 6 PM on the second business day following the business day during which a first deficiency notice is sent to the Bidder, whichever comes later, to respond. If the Bidder responds to a deficiency notice within the time allowed but the response does not correct all deficiencies, the Bidder will, **but only to the extent feasible**, receive a further deficiency notice from the Procurement Administrator with additional time to respond. Such additional time to respond to a further deficiency notice may be as short as two (2) hours. In no event will the deadline to respond to a deficiency notice be after 9:30 AM CPT on the Bid Date.

## **ARTICLE V. MEC Procurement Event**

The Supplemental RFP maintains the requirements of Articles IV through VI of the RFP Rules for the submission of a Proposal for participation in the procurement event for ComEd except for the items specifically addressed in this section. For any Insert that is required by this Article and that requires a signature, a Bidder must complete and provide the Insert in one of two ways:

- the Insert is printed and signed or the Insert is completed using an electronic signature (such as a picture of a signature). In this case, the Insert must be sent by email by the signatory or with the signatory on copy; or:
- the Insert is digitally signed using an Acceptable Digital Signature. In this case, the Insert with the document or information verifying the identity of the signatory can be sent by email or by upload to the application website.

### **V.1. Part 1 Proposal**

V.1.1. Comments on Letters of Credit. The Procurement Administrator is not soliciting comments on the Letters of Credit at this time.

V.1.2. Requirements for Bidders that are not Prior P1 Bidders. A Bidder that is not a Prior P1 Bidder and that submits a Part 1 Proposal for a procurement event for a Company under the Supplemental RFP must submit to all other Part 1 Proposal requirements of the BEC RFP in respect to that procurement event as detailed in Article IV of the RFP Rules. Furthermore, such Bidder must acknowledge and accept all the terms and conditions of the Supplemental Rules, which incorporate the RFP Rules, regardless of the outcome of the RFP or the outcome of such Proposal.

V.1.3. Requirements for Prior P1 Bidders. A Prior P1 Bidder for the procurement event for MEC will have access to all materials that such Bidder submitted in its Part 1 Proposal for the April 18 Procurement Events.

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- A Prior P1 Bidder must review such Bidder's legal name and address as well as the contact information of the individuals named in the Proposal (the Officer of the Bidder, the Representative, and the Nominees). A Prior P1 Bidder must make any needed updates to such information.
  - A Prior P1 Bidder that updates contact information for the Nominees must do so by fully completing and submitting the Nominee Insert prepared for this purpose and available on the procurement website. The Nominee Insert is also labelled INSERT #P1-2.
  - A Prior P1 Bidder that updates the identity of the Representative and that submitted a Nominee Insert signed by the Representative with the Part 1 Proposal for the April 18 Procurement Events must resubmit the Nominee Insert if such Bidder opts to designate Nominees for the Supplemental Procurement Events. The Nominee Insert is also labelled INSERT #P1-2.
- In its Part 1 Proposal for the April 18 Procurement Event, a Prior P1 Bidder named an Entity on whose financial standing it was relying.
  - If this Entity is unchanged, such Bidder may, but is not required to, update the financial information or credit ratings for the Entity. If such Bidder opts to update the financial information or credit ratings for the Entity, the Procurement Administrator will communicate this information to MEC but the Procurement Administrator will not issue a creditworthiness assessment with respect to the Entity with the Part 1 Notification.
  - If a Prior P1 Bidder changes the Entity on whose financial standing it is relying, such Bidder must submit to all requirements of Section IV.3 of the RFP Rules.
- A Prior P1 Bidder may, but is not required to, update information necessary for the preparation of the applicable supplier contract documents. If such Bidder opts to do so,

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such Bidder fully completes the MEC Contract Insert prepared for this purpose and available on the procurement website and provides the MEC Contract Insert in Microsoft Word format. The MEC Contract Insert is also labelled INSERT #P1-9. If the Procurement Administrator notifies such Bidder that the Bidder has Bids on MEC's Products and/or Combinations that are identified as winning Bids to the ICC, such Bidder will be required to provide all necessary information by 12 PM (noon) CPT on the day after such notification is received.

- A Prior P1 Bidder must make all representations required by the Part 1 Proposal.
  - A Prior P1 Bidder that has not changed the identity of the Officer of the Bidder may submit a single certification from the Officer of the Bidder that all previously made representations and certifications of the Part 1 Proposal submitted in response to the BEC RFP remain valid and will remain valid for the timeframes required by the Supplemental Rules. Such statement will apply to all procurement events for which such Bidder is a Prior P1 Bidder. The Officer of the Bidder of a Prior P1 Bidder that is also a Prior P2 Bidder can certify at the same time that all previously made representations and certifications of the Part 2 Proposal submitted in response to the BEC RFP remain valid and will remain valid for the timeframes required by the Supplemental Rules. Such statement will apply to all procurement events for which such Bidder is a Prior P1 Bidder and a Prior P2 Bidder. Such Bidder does so by completing and submitting the Prior P1 Bidder Insert prepared for this purpose. The Prior P1 Bidder Insert is also labelled INSERT #P1-17.
  - A Prior P1 Bidder that has changed the identity of the Officer of the Bidder must fully complete and submit: i) the Representative Insert designating the Representative of the Bidder; ii) the MEC P1 Certifications Insert prepared for

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this purpose and available on the procurement website; and iii) the Nominee Insert but only if the Nominee Insert submitted with the Part 1 Proposal for the April 18 Procurement Events was signed by the Officer of the Bidder (and not the Representative). The Representative Insert and the Nominee Insert are submitted once for all procurement events under the Supplemental RFP. The Representative Insert is also labeled INSERT #P1-1. The Nominee Insert is also labeled INSERT #P1-2. The MEC P1 Certifications Insert is also labelled INSERT #P1-10.

- A Prior P1 Bidder must acknowledge and accept all the terms and conditions of the Supplemental Rules, which incorporate the RFP Rules, regardless of the outcome of the RFP or the outcome of such Proposal.
- A Prior P1 Bidder must review all information and documents of the Part 1 Proposal submitted for participation in the April 18 Procurement Events. By clicking submit in the online Part 1 Form, such Bidder represents that all information is accurate and up-to-date.

V.1.4. Processing of Part 1 Proposals. Time is of the essence. As such, the time to cure deficiencies to the Part 1 Proposal is limited. A Bidder has until 12 PM (noon) on the Part 1 Date, or until 6 PM on the business day following the business day during which a first deficiency notice is sent to the Bidder, whichever comes later, to respond. If such Bidder responds to a deficiency notice within the time allowed but the response does not correct all deficiencies, the Bidder will, but only to the extent feasible, receive a further deficiency notice from the Procurement Administrator with additional time to respond. Such additional time to respond to a further deficiency notice may be as short as two (2) hours.

V.1.5. Part 1 Notification. The Procurement Administrator transmits to the Bidder using a secure file transfer interface a Part 1 Notification as well as documents necessary for the Bidder's

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continued participation in the Supplemental RFP. Prior P1 Bidders that fulfill all the requirements of the Part 1 Proposal for a Supplemental Procurement Event will receive a Part 1 Notification to which will be attached: (i) a Bid Form; (ii) instructions for completing, encrypting, and submitting the Bid Form; and (iii) confidential information for the submission of Bids, including a username, a password, and a security code unique to that Bidder. A Bidder that is not a Prior P1 Bidder and that fulfills all the requirements of the Part 1 Proposal for a Supplemental Procurement Event will receive a Part 1 Notification to which will be attached: (i) the Bid Form; (ii) instructions for completing, encrypting, and submitting the Bid Form; (iii) confidential information for the submission of Bids, including a username, a password, and a security code unique to that Bidder; and (iv) a creditworthiness assessment. These documents are provided electronically. The Procurement Administrator may re-issue the Bid Forms no later than two (2) business days prior to a Bid Date.

**V.2. Part 2 Proposal (Excluding Bids)**

- V.2.1. For purposes of this section, “Part 2 Proposal” means the Part 2 Proposal excluding Bids. The required amount of bid assurance collateral for MEC is \$25,000.
- V.2.2. Requirements for Bidders that are not Prior P2 Bidders. A Bidder that is not a Prior P2 Bidder and that submits a Part 2 Proposal for a procurement event for a Company under the Supplemental RFP must submit to all Part 2 Proposal requirements of the BEC RFP in respect to that procurement event as detailed in Article V of the RFP Rules.
- V.2.3. Requirements for Prior P2 Bidders. A Prior P2 Bidder for the procurement event for MEC will have access to all materials that such Bidder submitted in its Part 2 Proposal for the April 18 Procurement Events.

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- In its Part 2 Proposal for the April 18 Procurement Event, a Prior P2 Bidder elected to submit bid assurance collateral in the form of cash or in the form of a Pre-Bid Letter of Credit.
  - The following requirements apply to a Prior P2 Bidder that submitted bid assurance collateral in the form of cash for the April 18 Procurement Event for MEC, that has not made a request to MEC for the return of cash, and that intends on continuing to use cash as bid assurance collateral for its participation in the Supplemental Procurement Events. Such Bidder must: (i) have an amount of cash as bid assurance collateral of at least \$25,000; (ii) submit a draft request for the return of cash to MEC on the letterhead of the entity to which the cash will be returned and meeting all other requirements as explained in Paragraph V.4.5 of the RFP Rules.
  - The following requirements apply to a Prior P2 Bidder that submitted bid assurance collateral in the form of a Pre-Bid Letter of Credit for the April 18 Procurement Event for MEC, for which the Pre-Bid Letter of Credit remains in full force and effect, and that intends on submitting bid assurance collateral for the Supplemental Procurement Event for MEC in the form of a Pre-Bid Letter of Credit. To continue using the Pre-Bid Letter of Credit submitted in the April 18 Procurement Event for MEC and that is already acceptable to MEC, such Bidder must submit an amendment to the Pre-Bid Letter of Credit submitted for the April 18 Procurement Event for MEC. Such amendment must modify the Expiration Date of the Pre-Bid Letter of Credit from May 11, 2022 to June 10, 2022.
  - The following requirements apply to all other Prior P2 Bidders. Such Bidder must elect whether it is submitting bid assurance collateral in the form of cash or in the form of a Pre-Bid Letter of Credit. Such Bidder must submit to all requirements

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for the submission of bid assurance collateral provided in Section V.4 and Section V.6 of the RFP Rules.

- A Prior P2 Bidder must make all representations required by the Part 2 Proposal.
  - A Prior P2 Bidder that has not changed the identity of the Officer of the Bidder will have submitted in the Part 1 Proposal a single certification from the Officer of the Bidder that all previously made representations and certifications of the Part 2 Proposal submitted in response to the BEC RFP remain valid and will remain valid for the timeframes required by the Supplemental Rules. Such statement will apply to all procurement events for which such Bidder is a Prior P2 Bidder. This certification will have been provided through the Prior P1 Bidder Insert prepared for this purpose. The Prior P1 Bidder Insert is also labelled INSERT #P1-17. Such requirement is fulfilled in the Part 1 Proposal and there is no additional requirement of such Prior P2 Bidder.
  - A Prior P2 Bidder that has changed the identity of the Officer of the Bidder must fully complete and submit the MEC P2 Certifications Insert prepared for this purpose and available on the procurement website. The MEC P2 Certifications Insert is also labelled INSERT #P2-7.
- A Prior P2 Bidder must review all information and documents of the Part 2 Proposal submitted for participation in the April 18 Procurement Events. By clicking submit in the online Part 1 Form, such Bidder represents that all information is accurate and up-to-date.

V.2.4. Processing of Part 2 Proposals. Time is of the essence. As such, the time to cure deficiencies to the Part 2 Proposal is limited. If the deficiency does not concern bid assurance collateral, the Bidder has until 12 PM (noon) on the Part 2 Date, or until 6 PM on the business day following the business day during which a first deficiency notice is sent to the Bidder,

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whichever comes later, to respond. If the deficiency concerns bid assurance collateral, the Bidder has until 12 PM (noon) on the Part 2 Date, or until 6 PM on the second business day following the business day during which a first deficiency notice is sent to the Bidder, whichever comes later, to respond. If the Bidder responds to a deficiency notice within the time allowed but the response does not correct all deficiencies, the Bidder will, **but only to the extent feasible**, receive a further deficiency notice from the Procurement Administrator with additional time to respond. Such additional time to respond to a further deficiency notice may be as short as two (2) hours. In no event will the deadline to respond to a deficiency notice be after 9:30 AM CPT on the Bid Date.

## **ARTICLE VI. Bids and Post-Bid Process**

- VI.1.1. This Article VI applies to all procurement events under the Supplemental RFP.
- VI.1.2. Bid Form and Bid Window. Bidders must use the Bid Form provided by the Procurement Administrator with the Part 1 Notification for the Supplemental RFP. The Bid Window will be from 8:30 AM to 9:30 AM CPT. All Bid Forms must be received by 9:30 AM CPT. The Procurement Administrator evaluates Bids submitted in accordance with the Supplemental RFP for each Bidder that qualifies pursuant to a successful Part 1 Proposal and that submits a Part 2 Proposal that fulfills all the requirements of these Supplemental Rules by 9:30 AM CPT on the Bid Date. Bid Forms will be evaluated as described in the RFP Rules. Each Bidder that submits a Part 2 Proposal will be notified whether its Bids are evaluated by 10:30 AM on the Bid Date by phone or by email.
- VI.1.3. Bidder Training. There is no training session scheduled for the Supplemental RFP. Any Bidder can request training, which will be scheduled at the Procurement Administrator's discretion.
- VI.1.4. Notification of Bids Identified as Winning Bids. The Procurement Administrator will notify each Bidder that submitted Bids, by 4 PM CPT on the Bid Date, which of the Bidder's Bids, if any, will be identified as winning Bids to the ICC. The Procurement Administrator will provide notification by phone with written confirmation to follow.