

# ILLINOIS POWER AGENCY SUMMER 2019 BROWNFIELD SITE PHOTOVOLTAIC RFP ILLUSTRATIVE PART 1 FORM

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Pursuant to an Order from the Illinois Commerce Commission (“Commission” or “ICC”) dated April 26, 2019, the IPA is conducting an event to procure 80,000 RECs delivered annually from new brownfield site photovoltaic projects for the portfolios of Ameren Illinois Company (“AIC”), Commonwealth Edison Company (“ComEd”), and MidAmerican Energy Company (“MEC”) through a Brownfield RFP. Each of AIC, ComEd, and MEC is referred to as a “Company”.

The Part 1 Proposal consists of the online Part 1 Form and attachments that are uploaded to the application website (or sent to the Procurement Administrator via email). Before completing the Part 1 Form for the Brownfield Site Photovoltaic RFP (“Brownfield RFP”), please review the RFP Rules and the Renewable Energy Credit Agreement (“Brownfield REC Contract” abbreviated in this Part 1 Form as the “REC Contract”) so that you understand the conditions under which the Brownfield RFP will be conducted. These documents are available on the procurement website, [www.ipa-energyrfp.com](http://www.ipa-energyrfp.com).

By submitting a Part 1 Proposal in response to the Brownfield RFP, you agree to all the terms and conditions of the Brownfield RFP.

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*Any information that you provide in this Part 1 Proposal is provided on a confidential basis to the Procurement Administrator and may be provided on a confidential basis to the Procurement Monitor, to the IPA, or to the Staff of the Illinois Commerce Commission (“ICC”). Any information provided to AIC, ComEd, or MEC will also be provided to the Procurement Monitor.*

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## INSTRUCTIONS FOR PROPOSAL

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Bidders use the online Part 1 Form and upload required documents to respond to the qualification standards of the RFP Rules. Bidders request login credentials for the application website from the Procurement Administrator via email ([Illinois-RFP@nera.com](mailto:Illinois-RFP@nera.com)) or by submitting the [Qualification Registration Form](#) on the Qualification Forms page of the procurement website.

A Part 1 Proposal serves to present the qualification for a single Project. To the extent that an entity or group of entities is intending to present several Projects, a different Part 1 Proposal must be presented for each such Project, with each Part 1 Proposal submitted using project-specific credentials to access the online Part 1 Form.

The Procurement Administrator evaluates Bids submitted in accordance with this RFP for each Project that qualifies pursuant to a successful Part 1 Proposal and a Part 2 Proposal that fulfills all the requirements of the RFP Rules.

**Please complete all sections. If a section does not pertain to you, you will be required to check a box and move on to the next section.**

### I. Part 1 Proposal Submission

Bidders must:

- Complete the online Part 1 Form in its entirety;
- Submit any documents, including Inserts, required to support the online Part 1 Form by email to [Illinois-RFP@nera.com](mailto:Illinois-RFP@nera.com) or by upload to the application website.

*All times are Central Prevailing Times (“CPT”) unless specifically noted.*

*The online Part 1 Form must be submitted no later than 12 PM (noon) CPT  
on June 20, 2019 (the Part 1 Date).*

**Some of the documents required to support the online Part 1 Form are “Inserts”. Each of these Inserts will be available as a separate form on the procurement website or from the Procurement Administrator.** A Bidder that is required to submit a particular Insert will complete the form and upload the form to the application website (or send the form by email). If the Insert requires a signature, a Bidder will sign the completed form, will scan the completed form, and upload the scanned form to the application website (or send the form by email). **For illustrative purposes, the Inserts are shown throughout this Part 1 Form in red-brown boxes.** The format and exact content of the Inserts may differ from the illustrative Inserts provided through this Part 1 Form. **Fields for upload of other documents are designated by a paperclip.**

Inquiries may be directed to the Procurement Administrator through the “Ask a Question” page on the procurement website at [www.ipa-energyrfp.com](http://www.ipa-energyrfp.com).

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**II. Part 1 Proposal Processing**

A description of the processing of Proposals will be provided as a separate document to Bidders.

## PART 1 FORM

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### 1. Basic Information

*First Item: Name of the Project*

**THE BIDDER MUST PROVIDE A NAME FOR THE PROJECT THAT THE BIDDER WILL CONSISTENTLY USE THROUGHOUT THE PROPOSAL. Once the Part 1 Proposal is complete, the name of the Project cannot be changed.**

*Name of the Project*

*Second Item: Identity and Contact Information for the Seller*

The Seller is the entity intended to be the signatory to the REC Contract for the Project. **The Seller must be an entity that has been formed as of the Part 1 Date. PLEASE PROVIDE THE FOLLOWING INFORMATION FOR THE SELLER.**

*Legal Name of Seller*

*Street Address*

*City*

*State*

*Zip Code*

*Date at Which the Seller Was Formed*

*Website (of Seller, Seller's parent, or Seller's affiliate named in the Part 1 Proposal)*

*Third Item: Officer of the Seller*

The Officer of the Seller must be an officer, a director or an individual otherwise empowered to undertake contracts and bind the Seller. **THE OFFICER OF THE SELLER WHOSE CONTACT INFORMATION IS PROVIDED BELOW MUST MAKE ALL REPRESENTATIONS REQUIRED IN THE PART 1 PROPOSAL AND PART 2 PROPOSAL FOR THE PROJECT.**

The Officer of the Seller may make all representations required in the Part 1 and Part 2 Proposals at one time. **A BIDDER THAT AVAILS ITSELF OF THIS OPTION MAY SUBMIT THE P2 CERTIFICATIONS INSERT DURING THE PART 1 WINDOW FOR EARLY PROCESSING.** The P2 Certifications Insert is available on the procurement website.

It is expected that, if a Bidder has Bids that are approved by the Commission, the Officer of the Seller would sign the applicable supplier contracts. Should the Officer of the Seller not be available to sign for this purpose,

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each applicable Company will be advised of this fact. The Seller will name another individual to sign and the Seller will confirm that this individual is empowered to undertake contracts and bind the Seller.

**PLEASE PROVIDE THE CONTACT INFORMATION FOR THE OFFICER OF THE SELLER BELOW.**

*Given Name(s) of the Officer of the Seller*

*Last Name*

*Title*

*Street Address*

*City*

*State*

*Zip Code*

*Telephone No.*

*Alternate Telephone No. (if available)*

*Email Address*

*Fourth Item: Identity and Contact Information for the Bidder*

The Bidder is the entity or entities submitting the Proposal. If the Bidder is presenting a Proposal for a single Project, the Bidder and the Seller must be the same entity.

***Is the Bidder presenting a Proposal for a single Project?***

**Yes**

**No**

**If YES**, please proceed to the next item.

**If NO**, please provide the information required by this item.

**PLEASE PROVIDE THE FOLLOWING INFORMATION FOR THE BIDDER.**

A Bidder that is presenting multiple Proposals for multiple Projects with different Sellers must be identified either as the parent company of all such affiliated entities or the Bidder must be identified by naming all such affiliated entities together.

***Are the Bidder and the Seller the same entity for the Project?***

**Yes**

**No**

**If YES**, please proceed to the next item.

**If NO**, please provide the information required by this item.

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**PLEASE PROVIDE THE FOLLOWING INFORMATION FOR THE BIDDER.**

*Legal Name of Bidder*

*Street Address*

*City*

*State*

*Zip Code*

*Fifth Item: Representatives*

The Bidder must identify the individual or individuals responsible for submission of the Proposal and provide full contact information for each individual, including address, phone number(s), and email address. These individuals, each a “Representative”, must be authorized to act on behalf of the Bidder and on behalf of the Seller. The Procurement Administrator sends all correspondence related to the procurement event to the Representatives, including confidential information required to submit Bids on the Bid Date.

**THE BIDDER MUST IDENTIFY ONE (1) REPRESENTATIVE BY COMPLETING THE CONTACT INFORMATION FOR THE REPRESENTATIVE IN THE FIELDS BELOW.**

*Given Name(s) of Representative*

*Last Name of Representative*

*Title*

*Street Address*

*City*

*State*

*Zip Code*

*Telephone No.*

*Alternate Telephone No. (if available)*

*Email Address*

***Does the Bidder wish to name additional Representatives to be copied on all communications from the Procurement Administrator?***

**Yes**

**No**

**If NO**, please proceed to the next section.

**If YES**, please continue to the next question in this section.

**If the Bidder is presenting Proposals for multiple Projects with different Sellers, the Bidder must identify the same Representatives for all such Proposals.** Such Bidder is only required to submit the information regarding the Representatives once in a Part 1 Proposal for one of the Projects.

***Has the Bidder already designated additional Representatives in a previously submitted Part 1 Proposal for another Project submitted to this Brownfield RFP?***

**Yes**

**No**

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**If YES**, these additional Representatives serve for all Projects presented by the Bidder. Please proceed to the next section.

**If NO**, the Bidder may designate up to three (3) additional Representatives by fully completing the Representative Insert prepared for this purpose.

**PLEASE FULLY COMPLETE THE REPRESENTATIVE INSERT. THE REPRESENTATIVE INSERT MAY BE PROVIDED BY EMAIL OR BY UPLOAD TO THE APPLICATION WEBSITE. THE REPRESENTATIVE INSERT IS AVAILABLE ON THE PROCUREMENT WEBSITE.** The Representative Insert is also labelled INSERT #P1-1.

\_\_\_\_\_  
*Name of Bidder*

**REPRESENTATIVE INSERT (#P 1-1)**

The Bidder may name up to three (3) Representatives, **in addition to** the Representative whose contact information is provided directly in the online Part 1 Form, by providing the information requested below. If the Bidder is presenting Proposals for multiple Projects with different Sellers, the Bidder must identify the same Representatives for all such Proposals. Such Bidder is only required to submit the information regarding the Representatives once in a Part 1 Proposal for one of the Projects.

Contact Information for Representative

*Given Name(s)*

*Last Name*

*Title*

*Street Address*

*City*

*State*

*Zip Code*

*Telephone No.*

*Alternate Telephone No. (if available)*

*Email Address*

Contact Information for Representative

*Given Name(s)*

*Last Name*

*Title*

*Street Address*

*City*

*State*

*Zip Code*

*Telephone No.*

*Alternate Telephone No. (if available)*

*Email Address*

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<b>Contact Information for Representative</b>		
<i>Given Name(s)</i>	<i>Last Name</i>	
<input type="text"/>	<input type="text"/>	
<i>Title</i>		
<input type="text"/>		
<i>Street Address</i>		
<input type="text"/>		
<input type="text"/>		
<i>City</i>	<i>State</i>	<i>Zip Code</i>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Telephone No.</i>	<i>Alternate Telephone No. (if available)</i>	<i>Email Address</i>
<input type="text"/>	<input type="text"/>	<input type="text"/>

## 2. Project Information

### First Item: Project Site

The “Project Site” is an area that is regulated by any of the following entities under the following Programs: (1) the United States Environmental Protection Agency under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; (2) the United States Environmental Protection Agency under the Corrective Action Program of the federal Resource Conservation and Recovery Act, as amended; (3) the Illinois Environmental Protection Agency under the Illinois Site Remediation Program; or (4) the Illinois Environmental Protection Agency under the Illinois Solid Waste Program.

**THE PROJECT MUST BE LOCATED IN ILLINOIS AND MUST BE ENTIRELY LOCATED WITHIN THE PROJECT SITE. THE BIDDER MUST PROVIDE ALL INFORMATION REQUIRED IN THE FIELDS BELOW.**

### *Address of the Project:*

*Street Address*

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*City*

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*State*

--

*Zip Code*

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### ***The Project is located in Illinois:***

Yes

No

### ***The Project is co-located with another facility on a greenfield site:***

Yes

No

**THE BIDDER MUST PROVIDE A MAP OF THE PROJECT SITE CLEARLY SHOWING THE LOCATION OF THE PROJECT WITHIN THE PROJECT SITE BY UPLOAD BELOW OR BY EMAIL TO THE PROCUREMENT ADMINISTRATOR:**



The Procurement Administrator may request additional information regarding the Project Site and the Part 1 Proposal will then be required to include any such additional information. If the Project is co-located with another facility on a greenfield site, the Bidder must disclose this fact and the Procurement Administrator may request additional information, which the Bidder will be required to provide with its Part 1 Proposal.

If the Project is selected by the evaluation in this RFP and approved by the Commission, the description of the Project Site provided by the Bidder in its Proposal will become part of the REC Contract. With each REC delivery, the Seller will be required to represent that the Project is entirely located within the Project Site.

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**PLEASE INDICATE THE PROGRAM UNDER WHICH THE SITE FOR THE PROJECT IS REGULATED.**

- (A) United States Environmental Protection Agency under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (“CERCLA”), as amended
- (B) United States Environmental Protection Agency under the Corrective Action Program of the federal Resource Conservation and Recovery Act (“RCRA”)
- (C) Illinois Environmental Protection Agency under the Illinois Solid Waste Program (“IEPA Solid Waste Program”)
- (D) Illinois Environmental Protection Agency under the Illinois Site Remediation Program (“IEPA Site Remediation Program”)

*Second Item: Supporting Documentation for the Project Site*

The required documentation for each Program is provided below. The Bidder must submit the appropriate documentation, dated no earlier than 25 years prior to the Bid Date, to demonstrate that the site is regulated by the Program.

CERCLA	a site assessment, remedy decision, cleanup plan, or similar document
RCRA	demonstration of the U.S. EPA requiring corrective action such as a permit application, administrative order, court order, or similar document.
IEPA Solid Waste	solid waste permit
IEPA Site Remediation	a Site Investigation Report, Remedial Action Plan, Remedial Action Completion Report, or No Further Remediation Letter

**PROJECTS REGULATED UNDER THE IEPA SITE REMEDIATION PROGRAM MUST ALSO DEMONSTRATE ACTUAL BLIGHT OR CONTAMINATION OF THE PROJECT SITE BY COMPLETING THE IEPA SRP INSERT PREPARED FOR THIS PURPOSE.** The IEPA SRP Insert is also labelled INSERT #P1-2.

<p>_____</p> <p><i>Name of Project</i></p> <p><b>IEPA SRP INSERT (#P 1-2)</b></p> <p><b>For Project Sites regulated by the IEPA Site Remediation Program, the Bidder must demonstrate actual blight or contamination of the Project Site.</b></p> <p><b>PLEASE INDICATE BELOW WHICH ADDITIONAL DOCUMENTATION THE BIDDER IS PROVIDING FOR THIS PURPOSE.</b></p>
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- (A) proof that the Project Site is also regulated by another Program referenced in Section 1-10 of the IPA Act (if documentation from another Program could not be submitted instead of the documentation from the IEPA Site Remediation Program because it was dated before a date 25 years prior to the Bid Date)
  
- (B) demonstration of contamination at the Project Site and determination of the need for remediation activities through a site assessment from the U.S. EPA Targeted Brownfields Assessment
  
- (C) additional documents from the IEPA Site Remediation Program.

**IF THE BIDDER ELECTED (A) OR (B) ABOVE, THE INSERT IS COMPLETE AND THE BIDDER IS NOT REQUIRED TO RESPOND TO ANY OF THE QUESTIONS BELOW.**

**IF THE BIDDER ELECTED (C) ABOVE, PLEASE PROVIDE THE DOCUMENTS AND INFORMATION REQUIRED BELOW. PLEASE RESPOND TO ALL ITEMS AND QUESTIONS BELOW.**

**FIRST ITEM: REMEDIAL ACTION PLAN**

**PLEASE PROVIDE THE REMEDIAL ACTION PLAN ISSUED BY THE IEPA SITE REMEDIATION PROGRAM FOR THE PROJECT SITE BY EMAIL TO THE PROCUREMENT ADMINISTRATOR OR BY UPLOAD TO THE JUSTIFICATION OF OMISSIONS SECTION OF THE ONLINE PART 1 FORM.** Such document must demonstrate that concentrations of contaminants at the Project Site exceeded the remediation objectives established for the Project Site and require remediation activities.

**SECOND ITEM: REMEDIAL ACTION COMPLETION REPORT**

***Has the IEPA Site Remediation Program issued a Remedial Action Completion Report for the Project Site?***

- Yes                       No

**If YES:**

**PLEASE PROVIDE THE REMEDIAL ACTION COMPLETION REPORT ISSUED BY THE IEPA SITE REMEDIATION PROGRAM FOR THE PROJECT SITE BY EMAIL TO THE PROCUREMENT ADMINISTRATOR OR BY UPLOAD TO THE JUSTIFICATION OF OMISSIONS SECTION OF THE ONLINE PART 1 FORM.** Such document must state that remediation was indeed conducted at the Project Site and it must be dated later than the Remedial Action Plan.

**If NO**, please sign the following certification.

I, \_\_\_\_\_ [enter name of representative of the Bidder] certify that the Remedial Action Completion Report has not been issued by the IEPA Site Remediation Program for the Project Site.

\_\_\_\_\_  
Signature of representative of the Bidder

\_\_\_\_\_  
Date

**THIRD ITEM: NO FURTHER REMEDIATION LETTER**

*Has the IEPA Site Remediation Program issued a No Further Remediation Letter for the Project Site?*

Yes

No

**If YES:**

**PLEASE PROVIDE THE NO FURTHER REMEDIATION LETTER ISSUED BY THE IEPA SITE REMEDIATION PROGRAM FOR THE PROJECT SITE BY EMAIL TO THE PROCUREMENT ADMINISTRATOR OR BY UPLOAD TO THE JUSTIFICATION OF OMISSIONS SECTION OF THE ONLINE PART 1 FORM.** Such document must cover the entirety of the Project Site.

**If NO**, please sign the following certification.

I, \_\_\_\_\_ [enter name of representative of the Bidder] certify that a No Further Remediation Letter has not been issued by the IEPA Site Remediation Program for the Project Site.

\_\_\_\_\_  
Signature of representative of the Bidder

\_\_\_\_\_  
Date

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Third Item: Additional Information for the Project

**A BIDDER MUST PROVIDE THE FOLLOWING ADDITIONAL INFORMATION FOR THE PROJECT:**

*Size of the Project in MW (AC rating)*

The size of the Project is rounded to two decimals. For a Project that does not have a fully executed Interconnection Agreement, **the size of the Project determines the area for which site control must be demonstrated in the Part 1 Proposal** as required under the next item. The area for which site control is demonstrated must be at least \_\_\_\_ acres (3 acres times the Project size).

*Date of First Operation (actual or expected)*

If the Project is operational as of the submission of the Part 1 Proposal, the Date of First Operation of the Project cannot have occurred on or before June 1, 2017. If the Project is not yet operational, the expected Date of First Operation must be consistent with the terms of the REC Contract.

Fourth Item: Interconnection Agreement and Site Control

***Has the Interconnection Agreement been fully executed for this Project?***

**Yes**

**No**

**If YES:**

**PLEASE UPLOAD A COPY OF THE FIRST PAGE AND A COPY OF THE SIGNATURE PAGE OF THE INTERCONNECTION AGREEMENT.** The Procurement Administrator may make an additional request for a copy of the entire Interconnection Agreement. Please proceed to the next item.




**If NO,** please complete the remainder of this item.



**Site Control**

An Owner is an individual or entity that has ownership over the entirety or over a portion of the area. The Bidder must demonstrate control for \_\_\_\_ acres. While the Project Site and the area for which the Bidder demonstrates control need not be identical, there must be an overlap between the Project Site and the area for which the Bidder demonstrates control. Documentation for this purpose must be one of the following:

- i. document showing that Bidder (or Seller or affiliate of Seller) owns the entirety or a portion of the area;
- ii. an executed lease agreement or easement between the Bidder or the Seller and the Owner; or
- iii. an executed option, between the Bidder (or Seller or affiliate of Seller) and the Owner, with a unilateral right to lease or purchase the entirety or a portion of the area; or
- iv. a memorandum of understanding between the Owner and the Bidder (or Seller or affiliate of Seller) regarding a lease, easement, exclusive option, or sale of the Project site; or
- v. a letter of intent executed by the Owner stating the intention to deal exclusively with the Bidder (or Seller or affiliate of Seller) to enter into an agreement for a lease, an easement, an exclusive option, or the sale of the entirety or a portion of the area; or
- vi. another document demonstrating a right to develop the Project on the entirety or a portion of the area.

If the Bidder submits a document under (vi), the Procurement Administrator may require additional information. The specific financial terms of the agreement with an Owner may be redacted.

**PLEASE UPLOAD DOCUMENTATION DEMONSTRATING EXCLUSIVE CONTROL FOR THE REQUIRED AREA.**

**IF THE DOCUMENTATION PROVIDED NAMES AN AFFILIATE OF THE SELLER PLEASE PROVIDE THE ENTITY NAME HERE:**

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**PLEASE FULLY COMPLETE THE OWNERS INSERT WITH THE CONTACT INFORMATION OF ALL OWNERS FOR WHICH DOCUMENTATION IS PROVIDED. THE OWNERS INSERT MAY BE PROVIDED BY EMAIL OR BY UPLOAD TO THE APPLICATION WEBSITE. THE OWNERS INSERT IS AVAILABLE ON THE PROCUREMENT WEBSITE.** The Owners Insert is also labelled INSERT #P1-3.

\_\_\_\_\_  
*Name of Project*

**OWNERS INSERT (#P 1-3)**

For each Owner for which site control documentation is provided, the Bidder must provide the Owner's legal name, address (including street address, city, state, and zip code) as well as the area (in acres) controlled by that Owner. If the Owner is an entity, the Bidder must provide the name for a representative of such Owner.

**PLEASE PROVIDE THE FOLLOWING INFORMATION FOR EACH OWNER FOR WHICH SITE CONTROL DOCUMENTATION IS PROVIDED.**

Contact Information for Owner

*Given Name(s)*

*Last Name*

*Company Name (enter N/A if Owner is an individual and not a company)*

*Street Address*

*City*

*State*

*Zip Code*

*Area Controlled by Owner Named Above (acres)*

Contact Information for Owner

*Given Name(s)*

*Last Name*

*Company Name (enter N/A if Owner is an individual and not a company)*

*Street Address*

*City*

*State*

*Zip Code*

*Area Controlled by Owner Named Above (acres)*

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<b>Contact Information for Owner</b>		
<i>Given Name(s)</i>	<i>Last Name</i>	
<input type="text"/>	<input type="text"/>	
<i>Company Name (enter N/A if Owner is an individual and not a company)</i>		
<input type="text"/>		
<i>Street Address</i>		
<input type="text"/>		
<input type="text"/>		
<i>City</i>	<i>State</i>	<i>Zip Code</i>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Area Controlled by Owner Named Above (acres)</i>		
<input type="text"/>		

**USE ADDITIONAL INSERTS AS REQUIRED.  
YOU MAY ALSO PROVIDE THIS INFORMATION IN  
MICROSOFT EXCEL FORMAT.**

*Does the documentation provided for site control include the area controlled by the Owner?*

Yes

No

**If YES:** please proceed to the next item.

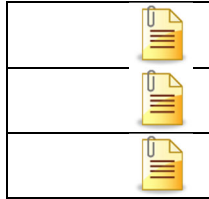
**If NO,** THE BIDDER MUST PROVIDE ADDITIONAL DOCUMENTATION FROM WHICH THE PROCUREMENT ADMINISTRATOR CAN VERIFY THE AREA CONTROLLED BY EACH OWNER IN THE OWNER'S INSERT. Such additional documentation includes:

- i. tax records;
- ii. memorandums of agreement filed with the county that provide acreage in the description of the property;
- iii. publicly available maps sufficiently detailed to allow for verification of the area controlled by each Owner;
- iv. a document signed by the Owner or an email from the Owner with the area controlled by such Owner; or
- v. other corroborating documents regarding the area controlled by each Owner.

In case of discrepancy between: (i) the area controlled by an Owner as provided in the Owners Insert and: (ii) the area controlled by the same Owner as provided in the documentation for site control or in the additional documentation provided in response to this bullet, then the lower figure for the area controlled by such Owner will be used.

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**PLEASE PROVIDE ADDITIONAL DOCUMENTATION OF THE AREA CONTROLLED BY EACH OWNER BY EMAIL OR BY UPLOAD TO THE APPLICATION WEBSITE.**



**Fifth Item: Describe the Stage of Development**

The Bidder is required to describe the stage of development of the Project appropriate to the point of interconnection and to the size of the Project. **PLEASE COMPLETE THE FIELDS BELOW.**

*Utility or Regional Transmission Authority (PJM or MISO) to which the Seller has applied or will apply for interconnection*

If the application for interconnection has been made, **INDICATE THE SPECIFIC MILESTONES TOWARD INTERCONNECTION THAT HAVE BEEN MET AT THIS TIME AND PROVIDE THE STATUS OF REMEDIATION OF THE PROJECT SITE IN THE FIELD BELOW.** If the application for interconnection has not yet been made, **PROVIDE OTHER MILESTONES IN THE DEVELOPMENT OF THE PROJECT THAT HAVE BEEN REACHED TO DATE INCLUDING THE STATUS OF REMEDIATION OF THE PROJECT SITE.**

### 3. Representations

**The Officer of the Seller must make the representations required by the RFP Rules.**

First Item: Representations about the Project

The Officer of the Seller must make certain certifications about the Project.

**THE BIDDER SUBMITS THESE CERTIFICATIONS BY FULLY COMPLETING THE P1 PROJECT CERTIFICATIONS INSERT PREPARED FOR THIS PURPOSE. THE BIDDER PROVIDES THE P1 PROJECT CERTIFICATIONS INSERT BY EMAIL OR BY UPLOAD TO THE APPLICATION WEBSITE. THE P1 PROJECT CERTIFICATIONS INSERT IS AVAILABLE ON THE PROCUREMENT WEBSITE.** The P1 Project Certifications Insert is also labelled INSERT #P1-4.

\_\_\_\_\_  
*Name of Project*

\_\_\_\_\_  
*Name of Seller*

#### **P1 PROJECT CERTIFICATIONS INSERT (#P1-4)**

I, \_\_\_\_\_ [enter the name of the Officer of the Seller], certify that:

1. the Project is a “brownfield site photovoltaic project” as this term is defined in the Act and the Seller has made all investigations it deems necessary to make this determination;
2. the Project is not a repowered facility;
3. The Project is in Illinois and is entirely located within the physical location identified in the description of the Project Site;
4. the Project has been installed or will be installed by Qualified Persons in compliance with the requirements of Section 16 128A of the Act and any rules or regulations adopted thereunder;
5. the Date of First Operation of the Project, as this term is defined by PJM EIS GATS or M-RETS, did not occur on or before June 1, 2017;
6. The Project is not a community renewable generation project as required by the Act;
7. the Project has reached the appropriate development milestones to fully expect that the Project’s Date of First Operation will be on or before March 30, 2023 such that the Project will deliver its first REC to each Company on or before May 31, 2023;
8. the Project has or will have a single revenue quality meter that satisfies the requirements of the applicable regional transmission organization, transmission provider, or distribution company and that measures or will measure its generation output;
9. the Project is or will be registered in PJM EIS GATS or M-RETS and the Seller will deliver RECs to the Companies by delivering such RECs to each Company’s PJM EIS GATS or M-RETS account in an unretired state;
10. the Project is not and will not be a generating unit whose costs are being recovered through rates regulated by Illinois or any other state or states; and

11. the information provided in the Proposal regarding the Project, including the description of the Project Site and the area controlled by the Bidder, is true, up-to-date, and accurate to the best of my knowledge and belief.

\_\_\_\_\_  
Signature of Officer of the Seller

\_\_\_\_\_  
Date

Second Item: Representations about the Seller

The Officer of the Seller must make the representations required by the RFP Rules.

**THE BIDDER SUBMITS THESE CERTIFICATIONS BY FULLY COMPLETING THE P1 SELLER CERTIFICATIONS INSERT PREPARED FOR THIS PURPOSE. THE BIDDER PROVIDES THE P1 SELLER CERTIFICATIONS INSERT BY EMAIL OR BY UPLOAD TO THE APPLICATION WEBSITE. THE P1 SELLER CERTIFICATIONS INSERT IS AVAILABLE ON THE PROCUREMENT WEBSITE.** The P1 Seller Certifications Insert is also labelled INSERT #P1-5.

\_\_\_\_\_  
*Name of Project*

\_\_\_\_\_  
*Name of Seller*

**P1 SELLER CERTIFICATIONS INSERT (#P 1-5)**

I, \_\_\_\_\_ [enter the name of the Officer of the Seller], certify that:

1. the Seller as identified in the Proposal is the entity that will sign the REC Contracts with the Companies if the Project is selected through the RFP and the Bid is approved by the Illinois Commerce Commission;
2. the Seller understands and accepts the terms of the REC Contract and accepts the fact that the number of REC Contracts and the counterparties under such REC Contracts will be assigned to the Seller by the Procurement Administrator;
3. the Seller acknowledges that a Collateral Requirement equal to \$10 times the annual quantity from the Project is required during the term of the REC Contract and that such Collateral Requirement may be increased if the Project does not deliver a first REC to a Company by May 31, 2022;
4. the Part 1 Proposal will remain in full force and effect until seventeen (17) days after the Bid Date;
5. if, for any reason and due to any circumstance, any information provided in the Part 1 Proposal for a Project changes or any previous certification fails to remain valid before that date, the Bidder or Seller will notify the Procurement Administrator of such change as soon as practicable, and failing to do so may result in disqualification of the Project;
6. the submission of the Part 1 Proposal constitutes the Bidder's and the Seller's acceptance of all the terms and conditions of these RFP Rules, regardless of the outcome of the RFP or the outcome of such Proposal;
7. I have no knowledge of the Bidder being part of a bidding agreement, a bidding consortium, or any other type of agreement with another Bidder related to bidding in this RFP; and

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8. All information provided in the Part 1 Proposal is true and accurate to the best of my knowledge and belief.

\_\_\_\_\_  
Signature of Officer of the Seller

\_\_\_\_\_  
Date

I, \_\_\_\_\_ [enter the name of the Officer of the Seller], certify that the Seller owns the Project and fully expects to own the Project at the time of execution of the REC Contracts.

\_\_\_\_\_  
Signature of Officer of the Seller

\_\_\_\_\_  
Date

**IF A SELLER KNOWS THAT SPECIFIC INFORMATION IN THE PART 1 PROPOSAL MAY CHANGE PRIOR TO A DECISION BY THE ILLINOIS COMMERCE COMMISSION ON THE RESULTS OF THE PROCUREMENT EVENT, THE SELLER MUST DISCLOSE THIS FACT IN THE SPACE PROVIDED BELOW.**

**IF A SELLER CANNOT CERTIFY THAT IT OWNS THE PROJECT AND THAT IT WILL OWN THE PROJECT AT THE TIME OF EXECUTION OF THE REC CONTRACTS, THE SELLER MUST DISCLOSE THIS FACT IN THE SPACE PROVIDED BELOW.** A Seller that does not own the Project but has full title to the RECs produced by the Project will be required to provide documentation that shows this to be the case. If a change in ownership of the Project is anticipated or possible, the Bidder must advise the Procurement Administrator. The entity named in the Part 1 Proposal as the Seller cannot be changed once the Part 1 Proposal is evaluated to be complete and such entity must be the entity that signs the REC Contracts if the Project is selected by the RFP and the Bid is approved by the Illinois Commerce Commission.

A Bidder found to be acting in concert with another Bidder will be disqualified by the Procurement Administrator.

#### 4. Financial Information

If the Bidder is presenting multiple Proposals for the same Seller, the Bidder is only required to submit the information required by this section once.

*Has the Bidder already submitted the financial information for this Seller in a previously submitted Proposal under this Brownfield RFP?*

Yes  No

**If YES**, please proceed to the next section.

**If NO**, please complete the remainder of this section.

First Item: Credit Ratings for Seller

*Is the Seller's senior long-term debt rated by S&P Global Ratings ("S&P"), Moody's Investors Service ("Moody's"), or Fitch Ratings ("Fitch") – in other words, is the Seller rated by one of the major rating agencies?*

Yes  No

**If NO**, please proceed to the next section.

**If YES**, please complete the remainder of this section.

**PLEASE PROVIDE ALL AVAILABLE RATINGS FROM S&P, MOODY'S, AND FITCH FOR THE SELLER AND SPECIFY THE TYPE OF RATING.**

**1. Is the Seller rated by S&P?**

yes  no

**If yes**, please provide:

- The Seller's rating \_\_\_
- The type of rating \_\_\_

**2. Is the Seller rated by Moody's?**

yes  no

**If yes**, please provide:

- The Seller's rating \_\_\_
- The type of rating \_\_\_

**3. Is the Seller rated by Fitch?**

yes  no

**If yes**, please provide:

- The Seller's rating \_\_\_
- The type of rating \_\_\_

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Second Item: Credit Ratings for Guarantor

*Does the Seller intend on relying on the financial standing of a Guarantor during the supply period?*

Yes                       No

**If NO**, please proceed to the next item.

**If YES**, please complete this item.

**PLEASE NAME THE GUARANTOR ON WHOSE FINANCIAL STANDING THE SELLER IS EXPECTING TO RELY.**

*Is the Guarantor's senior long-term debt rated by S&P Global Ratings ("S&P"), Moody's Investors Service ("Moody's"), or Fitch Ratings ("Fitch") – in other words, is the Guarantor rated by one of the major rating agencies?*

Yes                       No

**If NO**, please proceed to the next item.

**If YES**, please complete this item.

**PLEASE PROVIDE ALL AVAILABLE RATINGS FROM S&P, MOODY'S, AND FITCH FOR THE GUARANTOR AND SPECIFY THE TYPE OF RATING.**

**1. Is the Guarantor rated by S&P?**

yes                       no

**If yes**, please provide:

- The Guarantor's rating \_\_\_\_
- The type of rating \_\_\_\_

**2. Is the Guarantor rated by Moody's?**

yes                       no

**If yes**, please provide:

- The Guarantor's rating \_\_\_\_
- The type of rating \_\_\_\_

**3. Is the Guarantor rated by Fitch?**

yes                       no

**If yes**, please provide:

- The Guarantor's rating \_\_\_\_
- The type of rating \_\_\_\_

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*Third Item: Agency Agreement*

An Agency Agreement is a specific relationship whereby a first party, the “principal”, agrees that certain defined actions by a second party, the “agent”, can bind the principal. A Bidder that submits a Proposal for a Seller operating under an Agency Agreement will be subject to additional requirements in the Part 1 Proposal.

***Is the Seller operating under an Agency Agreement?***

**Yes**

**No**

**If NO**, please proceed to the next item.

**If YES**, please see below.

**THE REQUIREMENTS FOR A SELLER OPERATING UNDER AND AGENCY AGREEMENT WILL BE PROVIDED TO THE BIDDER IN A SEPARATE NOTICE.**

## 5. Bid Participation Fee

**A BIDDER THAT DID NOT PAY A BID PARTICIPATION FEE PURSUANT TO ITS PARTICIPATION IN A PRIOR 2019 PROCUREMENT EVENT MUST PAY ONCE A BID PARTICIPATION FEE OF \$500.**

If a Bidder is presenting Proposals for multiple Projects, the Bidder is only required to submit the information required by this section once, in a Part 1 Proposal for one of the Projects.

***Has the Bidder already completed this section in a previously submitted Proposal for another Project under the Brownfield RFP or through its participation in another 2019 procurement event?***

Yes

No

**If YES**, please proceed to the next section.

**If NO**, please follow these instructions.

A Bidder is required to pay a non-refundable Bid Participation Fee of \$500. A Bidder that submits Proposals for multiple Projects is only required to pay a single Bid Participation Fee. Notwithstanding this provision, a Bidder consisting of a group of Sellers may, at its option, provide one Bid Participation Fee for each Project instead of providing a single Bid Participation Fee for all Projects.

A Bidder that has paid the Bid Participation Fee will not be reimbursed, even if all Projects presented by the Bidder fail to meet the requirements of the Part 1 Proposal or the Part 2 Proposal or if the Bidder decides not to continue its participation in the RFP.

Bidders must pay the Bid Participation Fee to the IPA as a condition of all Projects presented by the Bidder fulfilling the requirements of the Part 1 Proposal. A Bidder can pay the Bid Participation Fee: (i) by e-check through <https://magic.collectorsolutions.com/magic-ui/onetimepayment/illinois-power-agency-ipa>; or (ii) by check payable to "Illinois Power Agency". Instructions for submission of the Bid Participation Fee are available from the Procurement Administrator upon request.

**THE BID PARTICIPATION FEE IS DUE BY THE PART 1 DATE AND THE BIDDER MUST PROVIDE EVIDENCE OF COMPLIANCE WITH THIS REQUIREMENT WITH THE PART 1 PROPOSAL.** Such evidence includes a photocopy of the check, a confirmation page from the e-check website, or a receipt from the IPA. **PLEASE UPLOAD THE EVIDENCE OF PAYMENT OF THE BID PARTICIPATION FEE BELOW OR EMAIL SUCH EVIDENCE TO THE PROCUREMENT ADMINISTRATOR:**



**Notwithstanding whether or not a Bidder has provided evidence of payment with a Part 1 Proposal, for the Bidder to be eligible to present its Projects further in the RFP, the Procurement Administrator must be able to get confirmation from the IPA that the IPA has received payment of the Bid Participation Fee from the Bidder.**

## 6. Option to Provide Comments

If the Bidder is presenting Proposals for multiple Projects, the Bidder may only submit the materials for this section once, in a Part 1 Proposal for one of the Projects.

*Has the Bidder already provided comments to the letters of credit in this Brownfield RFP?*

Yes

No

**If YES**, please proceed to the next section.

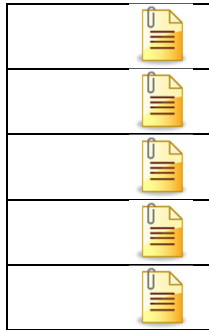
**If NO**, please follow these instructions.

### First Item: Post-Bid Letter of Credit

The REC Contract includes, as Exhibit C, a standard Irrevocable Standby Letter of Credit for a Company that may be used to post security under the terms of the REC Contract. This letter of credit is referred to as the “Post-Bid Letter of Credit”. There are two options for the Post-Bid Letter of Credit as well as more than one sample for the Letter of Full Transfer.

A Bidder may, in the Part 1 Proposal, provide comments on or propose modifications to the Post-Bid Letter of Credit drawn for the benefit of the Company. Any one of a Bidder’s comments or proposed modifications to the Post-Bid Letter of Credit may result in an addition to the list of modifications to the Post-Bid Letter of Credit approved by the Company for use by all Bidders on an optional basis.

**THE BIDDER PROVIDES COMMENTS AND PROPOSES MODIFICATIONS EXCLUSIVELY BY SUBMITTING A REDLINE OF THE POST-BID LETTER OF CREDIT DOCUMENTS IN MICROSOFT WORD FORMAT.** This document is provided by email or by upload to the application website.



A Bidder presenting a Proposal for a given Seller may only submit a single document with all of its comments and proposed modifications for each Post-Bid Letter of Credit. This is the case even if the Bidder is presenting multiple Projects with a given Seller.

### Second Item: Pre-Bid Letters of Credit

A Bidder submits financial guarantees for its Project(s) by providing either cash or a letter of credit to each of the Companies. If submitting a Pre-Bid Letter of Credit for a Company, a Bidder must use the Standard Pre-Bid Letter of Credit for that Company provided as an appendix to the RFP Rules; such Bidder may include any modifications to the Standard Pre-Bid Letter of Credit acceptable to that Company and posted to the procurement website.

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A Bidder may, in the Part 1 Proposal, provide comments on or propose modifications to each Pre-Bid Letter of Credit. Any one of a Bidder's comments or proposed modifications to a Pre-Bid Letter of Credit may result in an addition to the list of modifications to the Pre-Bid Letter of Credit approved by the Company for use by all Bidders on an optional basis. **THE BIDDER PROVIDES COMMENTS AND PROPOSES MODIFICATIONS EXCLUSIVELY BY SUBMITTING A REDLINE OF A PRE-BID LETTER OF CREDIT IN MICROSOFT WORD FORMAT.** This document is provided by email or by upload to the application website

### Proposed Modifications to the Pre-Bid Letter of Credit for AIC



### Proposed Modifications to the Pre-Bid Letter of Credit for ComEd



### Proposed Modifications to the Pre-Bid Letter of Credit for MEC



A Bidder presenting a Proposal for a given Seller may only submit a single document with all of its comments and proposed modifications for each Pre-Bid Letter of Credit. This is the case even if the Bidder is presenting multiple Projects with a given Seller.

## 7. Justification of Omissions

**IF YOU ARE UNABLE TO PROVIDE ANY OF THE DOCUMENTS OR INFORMATION REQUIRED IN THE PART 1 PROPOSAL, PLEASE JUSTIFY FULLY ANY OMISSIONS IN THE SPACE PROVIDED BELOW. IF YOU WANT TO PROVIDE ADDITIONAL INFORMATION, PLEASE DO SO BELOW.**

**IF YOU WANT TO PROVIDE ADDITIONAL DOCUMENTS, INCLUDING THE P2 CERTIFICATIONS INSERT, PLEASE PROVIDE THESE BY EMAIL OR BY UPLOAD TO THE APPLICATION WEBSITE (BELOW).**