Appendix 4 – Minimum Requirements for Letter of Intent, Memorandum of Understanding, or Other Document related to Site Control

Appendix 4 pertains to Section IV.6 of the RFP Rules and may apply to utility-scale wind projects, utility-scale solar projects, and brownfield site photovoltaic projects. This appendix does not apply to hydropower projects.

An "Owner" is an individual or entity that has ownership over the entirety or over a portion of the Project site. The "Seller" is the entity that bids to deliver RECs from a Project under the terms of the Indexed REC Contract and that will be the signatory to the Indexed REC Contract. The "Bidder" is the entity that presents a response to the Indexed REC RFP.

A Bidder that demonstrates site control to meet the Project maturity requirements must do so for a portion of the Project site that covers an area of at least 40 acres times the Project size for a utility-scale wind project, an area of at least 4 acres times the Project size for a utility-scale solar project, and an area of at least 3 acres times the Project size for a brownfield site photovoltaic project. Documentation to fulfill this requirement must be one of the following:

(i) document showing that the Bidder (or Seller or affiliate of the Seller) owns the Project site; or

(ii) an executed lease agreement or easement between the Bidder (or Seller or affiliate of the Seller) and the Owner or Owners; or

(iii) an executed option, between the Bidder (or Seller or affiliate of the Seller) and the Owner or Owners, with a unilateral right to lease or purchase the Project site; or

(iv) a memorandum of understanding between the Owner or Owners and the Bidder (or Seller or affiliate of the Seller) regarding a lease, easement, exclusive option, or sale of the Project site; or

(v) a letter of intent executed by the Owner or Owners stating the intention to deal exclusively with the Bidder (or Seller or affiliate of the Seller) to enter into an agreement for a lease, an easement, an exclusive option, or the sale of the Project site; or

(vi) another document demonstrating a right to develop the Project on the site.

Each Seller or Bidder may develop its own document to demonstrate control of the Project site that meets its business needs. For purposes of the Indexed REC RFP, a letter of intent, memorandum of understanding, or any document other than an ownership document as in (i), an executed lease agreement as in (ii), or an executed option as in (iii), **must meet the following minimum requirements:**

1. The Owner must be identified by its legal name. If the Owner is an entity, the name of a representative must be provided along with the representative's title and email address.
2. The Project must be identified using a Project name provided in the Proposal or the Project's resource type and capacity.
3. The Bidder (or Seller or affiliate of the Seller) must be identified by its legal name. The name of a representative for the Bidder (or Seller or affiliate of the Seller) must be provided along with the representative's title and email address.
4. The land over which the Owner has control must be identified and described or a map must be provided. The total area controlled by the owner must be identified.

5. Either: the Owner must state that it intends to give the Bidder (or Seller or affiliate of the Seller) control of the land identified above for the period required by the Indexed REC Contract through an agreement for a lease, an easement, an exclusive option, or sale of the Project site (or portion of the Project site); or: the Owner must state that it has entered into exclusive discussions with the Bidder (or Seller or affiliate of the Seller) for purposes of coming to an agreement on a lease, an easement, an exclusive option for the period required by the Indexed REC Contract, or the sale of the Project site (or portion of the Project site) and that the Owner is not in active discussions with any other party for the same location.
6. The Owner must state that it is aware that the document will be used for purposes of presenting a Proposal in one of the Illinois Power Agency's procurement events.
7. The document must be signed by the Owner.
8. The document must be signed by the Bidder (or Seller or affiliate of the Seller).