

## Appendix 4 – Minimal Requirements for Letter of Intent, Memorandum of Understanding, or Other Document

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 intended to be the signatory to the REC Contract for the Project. The **Bidder** is the entity or entities submitting the Proposal. If the Seller and Bidder are different entities and the Bidder is presenting Proposals for multiple Projects with different Sellers, the Bidder must be identified either as the parent company or by naming all such affiliated entities together.

**Paragraph IV.2.3** of the RFP Rules specifies that if the Interconnection Agreement for the Project is NOT fully executed, the Bidder must fulfill a number of additional requirements, including demonstrating control of the Project Site. Documentation to fulfill this requirement must be one of the following:

- (i) document showing that Bidder or Seller owns the Project site; or
- (ii) an executed lease agreement or easement between the Bidder or the Seller and the Owner or Owners; or
- (iii) an executed option, between the Bidder or 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 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 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 W&S 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 Seller (or Bidder) must be identified by its legal name. The name of a representative for the Seller (or Bidder) 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.
5. **Either:** the Owner must state that it intends to give the Seller (or Bidder) control of the land identified above for the period required by the 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 Seller (or Bidder) for purposes of coming to an agreement on a lease, an easement, an exclusive

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option for the period required by the 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 Seller (or Bidder).

**Notes**

If there are multiple Owners of the Project site, the Bidder must provide documentation for Owners that together control at least 50% of the Project site. There is no requirement for the document provided to be the same for all Owners.