

**ILLINOIS POWER AGENCY PROCUREMENT EVENTS**  
**Procurement Event under the Utility-Scale Wind RFP**

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**Invitation to Comment on the Contract Form and Proposal Requirements**

Background

Public Act 99-0906 was signed into law on December 7, 2016 and became effective June 1, 2017. This legislation called for the Illinois Power Agency (“IPA”) to develop a Long-Term Renewable Resources Procurement Plan and update it on a biennial basis. The initial Long-Term Renewable Resources Procurement Plan was developed in 2017 and finalized in 2018. In accordance with Section 16-111.5(b)(5)(ii)(B) of the Public Utilities Act, the IPA developed its first revision to its Long-Term Plan in 2019 and the Illinois Commerce Commission (“Commission”) issued a Final Order approving it on February 18, 2020. The IPA published its Final Revised Long-Term Renewable Resources Procurement Plan (“[Final Revised Plan](#)”), consistent with the Commission’s Order, on April 20, 2020. The Final Revised Plan includes a utility-scale wind procurement event (“Utility-Scale Wind RFP”), expected to be held in early 2021. The Utility-Scale Wind RFP will seek to procure 1 million RECs delivered annually from new utility-scale wind projects (projects over 2 MW) under fifteen-year contracts.

Invitation to Comment

NERA Economic Consulting has been retained by the IPA as the Procurement Administrator for the procurement event. **This document is the Procurement Administrator’s invitation to interested parties to comment on the standard contract form and on the proposal requirements to be used under the Utility-Scale Wind RFP.** For this purpose, the Procurement Administrator posted to the procurement website a draft of the Wind REC Agreement (the “[DRAFT Wind REC Agreement](#)”) on September 8, 2020 and [DRAFT preliminary proposal requirements](#) on August 13, 2020. The DRAFT Wind REC Agreement is proposed to be the standard contract form for the Utility-Scale Wind RFP between each winning supplier and Ameren Illinois Company (“AIC”), Commonwealth Edison Company (“ComEd”), and/or MidAmerican Energy Company (“MEC”).

The DRAFT Wind REC Agreement and DRAFT preliminary proposal requirements take into consideration comments from stakeholders received in March 2020. At that time, the IPA sought feedback on any barriers that may have limited successful participation in prior utility-scale wind procurements (please see the responses posted [here](#)). The DRAFT Wind REC Agreement, in compliance with the Final Revised Plan, replaces the REC Agreement used in prior utility-scale wind procurement events with a new, cleaner, more straightforward document.

Webcast

A webcast will be held on Wednesday, September 16, 2020 at 3 PM Central Prevailing Time (“CPT”) to discuss the DRAFT Wind REC Agreement and DRAFT preliminary proposal requirements to facilitate stakeholder engagement prior to the deadline for submission of comments. If you wish to participate in the webcast, please [RSVP](#) with the number of phone connections needed. Call-in information will be provided prior to the webcast.

Process

All comments received in accordance with the process outlined below will be reviewed by representatives from the IPA, AIC, ComEd, MEC, the Procurement Administrator, the Procurement Monitor, and Commission Staff. The timeline and process for interested parties to provide comments is as follows:

- Please submit your comments on the DRAFT Wind REC Agreement and DRAFT preliminary proposal requirements by email to the Procurement Administrator at: [Illinois-RFP@nera.com](mailto:Illinois-RFP@nera.com). In your comments, you may address any aspect of the documents, including any modifications or clarifications to the DRAFT Wind REC Agreement that may be desirable in light of President Trump’s [Executive Order 13920](#).
- If your comments include specific modifications to the terms of the DRAFT Wind REC Agreement, please submit these as redlines in a Microsoft Word document. Any explanatory notes regarding specific modifications are not required but are greatly appreciated.
- Please provide telephone and email contact information in the event that the Procurement Administrator seeks clarification regarding your comments.

**The deadline to provide comments is [Thursday, October 01, 2020](#).**

Please direct any questions regarding this comment process to the “[Ask a Question](#)” page of the procurement website.

Additional Information

To facilitate the review by interested parties of the DRAFT Wind REC Agreement, we provide the following notes:

- (a) The DRAFT Wind REC Agreement contains a main body and six (6) exhibits as follows:
  - Exhibit A – Form of Product Order
  - Exhibit B – Contact Information for Notices
  - Exhibit C – Form of Reports and Notices
  - Exhibit D – Form of Invoice

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- Exhibit E – Form of Security Instruments
- Exhibit F – Examples

(b) Exhibits are provided as samples and the actual forms used may reflect non-material differences to facilitate the administration of the Wind REC Agreement.

(c) The FINAL Wind REC Agreement from the Fall 2019 Utility-Scale Wind RFP featured a different contract structure and different section ordering. In order to facilitate a meaningful review of the changes between the FINAL Fall 2019 Wind REC Agreement from the Fall 2019 Utility-Scale Wind RFP and this DRAFT Wind REC Agreement, a Base Agreement has been prepared. The Base Agreement is a restructured version of the FINAL Fall 2019 Wind REC Agreement from the Fall 2019 Utility-Scale Wind RFP that conforms to the structure and section ordering of this DRAFT Wind REC Agreement without any substantive changes. A redline comparison between the DRAFT Wind REC Agreement from the Fall 2019 Utility-Scale Wind RFP and the Base Agreement has been posted to the [procurement website](#) for your convenience.