

**Illinois Power Agency**  
**Fall 2021 Procurement Events**  
**Carbon Mitigation Credits**  
**Request for Proposals**  
**Process and Rules**

14 October 2021

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## **ARTICLE I. Introduction**

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

- I.1.1. Public Act 102-0662, the Climate and Equitable Jobs Act, which was signed into law and became effective on September 15, 2021 (the “Act”), establishes a procurement of Carbon Mitigation Credits from Carbon-free Energy Resources to further Illinois’ efforts at achieving 100% clean energy, to decarbonize the electricity sector in a safe, reliable, and affordable manner, and to enhance the health and welfare of Illinois residents through decreased reliance on more highly polluting generation. A “Carbon-free Energy Resource” means a generation facility that: (1) is fueled by nuclear power; and (2) is interconnected to PJM Interconnection, LLC (“PJM”). A Carbon Mitigation Credit or “CMC” means a tradable credit that represents the carbon emission reduction attributes of one megawatt-hour of energy produced from a Carbon-free Energy Resource.
- I.1.2. Pursuant to the Act, the Illinois Power Agency (“IPA”) filed a Carbon Mitigation Credits Procurement Plan (“CMC Procurement Plan”) with the Illinois Commerce Commission (“ICC” or “Commission”) on September 29, 2021. The ICC will issue an Order regarding the IPA’s CMC Procurement Plan no later than 42 days from the date the plan was filed.
- I.1.3. The CMC Procurement Plan specifies the design and implementation parameters for a procurement of CMCs for Commonwealth Edison Company (“ComEd”). Winning suppliers will provide CMCs to ComEd through a five-year CMC delivery contract (or the “CMC Contract”).
- I.1.4. The present document, in conjunction with all its appendices described in more detail in Section I.5, constitutes the Request for Proposals (“RFP”) to solicit Proposals from suppliers in this procurement event. This RFP is referred to as the “CMC RFP”. The present document alone is referred to as the “RFP Rules”. The RFP Rules detail the requirements for the Proposals.

I.1.5. The IPA has retained NERA Economic Consulting (“NERA”) as the Procurement Administrator for the procurement event. The ICC has retained Bates White, LLC as the Procurement Monitor. The Procurement Monitor will report and monitor the progress of the procurement event for the ICC.

I.1.6. Capitalized terms in this document are defined explicitly herein unless explicit reference is made to another document.

## **I.2. Eligibility and Contents of Proposal**

I.2.1. A “Proposal” is a response to this CMC RFP for one or more Carbon-free Energy Resources. For a multi-reactor site, each generating unit is considered a separate Carbon-free Energy Resource. An entity that presents a Proposal is a “Bidder”. A Bidder may present multiple Carbon-free Energy Resources in its Proposal including Carbon-free Energy Resources that are not located at a multi-reactor site.

I.2.2. A Bidder must provide to the IPA the eligibility information required under Section (d-10)(3)(B) of the Act in response to the IPA’s information request by the deadline and must respond to all additional requests in regards to the eligibility information by the IPA. Parties provide such information by submitting Appendix B “Carbon-free Resource Required Information” in accordance with instructions issued by the IPA. Evidence of confirmation of eligibility from the IPA will be required as part of the Proposal and in order for a Bidder to become eligible to submit a Bid Form in the CMC RFP.

I.2.3. A Bidder that has not paid a Bid Participation Fee pursuant to its participation in a prior 2021 procurement event is required to pay a non-refundable Bid Participation Fee with the submission of the Proposal. The Proposal will also include contact information for representatives of the Bidder; the name, address, Pnode ID (the pricing location for the Carbon-free Energy Resource as identified by PJM and as used by PJM in the energy

settlement for the carbon-free resource), the summer capacity (MW), and the nameplate capacity (MW); the annual projected energy generation output (MWh) for each of the five years under the CMC Contract, certifications regarding the accuracy of the information provided, certifications regarding the agreement with the terms of this CMC RFP and the CMC Contract, submission of financial guarantees, as well as submission of a Bid Form. The requirements of the Proposal are described in more detail in Article III.

- I.2.4. In accordance with the Act, LaSalle County Generating Station is not eligible to participate in the CMC RFP.

### **I.3. Submission of Proposals**

- I.3.1. Except if instructed otherwise by the Procurement Administrator, Bidders submit information and required documents for their Proposal by email to [Illinois-RFP@nera.com](mailto:Illinois-RFP@nera.com). Bidders may also request to submit any portion of this information or the required documents to the Procurement Administrator using a secure file transfer interface. Bidders that request to submit information or documents using the secure file transfer interface will be invited to use the Procurement Administrator's system and will receive additional instructions for accessing the system and submitting files. Bidders will be required to fill out a form in Microsoft Word format and may be required to provide attachments to the Proposal Form that will be available separately from the Procurement Administrator.
- I.3.2. The "Proposal Window" opens on November 12, 2021 and closes at 12 PM (noon) CPT on the "Proposal Due Date", which is November 18, 2021. Materials for the Proposal including an executed Pre-Bid Letter of Credit, but excluding evidence of confirmation of eligibility from IPA, acceptance of the terms of the CMC Contract, and the Bid Form, must be submitted by the Proposal Due Date. The materials required by the Proposal Due Date are fully explained in Article III. The required evidence of the IPA's confirmation of eligibility must

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be submitted by Bidders to the Procurement Administrator by 12PM (noon) CPT on November 22, 2021. The acceptance of the terms of the CMC Contract and Bid Forms are due on the Bid Date of November 23, 2021. All information and all certifications must remain valid until eight (8) business days after the Bid Date. All Proposals must comply with the more detailed requirements of Article IV.

- I.3.3. Within two (2) business days of the Bid Date, the Procurement Administrator submits to the ICC a confidential report that will provide the results of the procurement event, a recommendation on whether these results should be accepted, as well as information that would be included in the ICC's public notice should the ICC approve the results of the procurement event. Within two (2) business days of the Bid Date, the Procurement Monitor also submits to the ICC a confidential report regarding the results of the procurement event and a recommendation on whether these results should be accepted. The ICC is expected to decide whether to accept the results of the procurement event within two (2) business days of receiving the confidential reports from both the Procurement Administrator and the Procurement Monitor.
- I.3.4. If the ICC approves the results of the procurement event, a Bidder with one or more Carbon-free Energy Resources selected through this CMC RFP will execute the CMC Contract for each such Carbon-free Energy Resource with ComEd within two (2) business days of the ICC decision.
- I.3.5. A Bidder with a Carbon-free Energy Resource selected through this CMC RFP will be assessed a Supplier Fee that reflects the cost of conducting the procurement event less the total of the Bid Participation Fees. The exact amount of the Supplier Fee will be announced no later than two (2) business days before the Bid Date. Payment of the Supplier Fees to the IPA by the Bidder will be due within seven (7) business days after ICC approval of the Carbon-free Energy Resources selected through this CMC RFP.

## **I.4. Evaluation**

- I.4.1. A Bidder that becomes eligible to submit a Bid Form in the CMC RFP may submit a Bid for each Carbon-free Energy Resource presented as part of its Proposal. A Bid consists of a total of five prices in \$/MWh, one price for each of the five delivery years under the CMC Contract. The price for a given delivery year in the Bid will be used to calculate the price per CMC to be paid to the applicable Carbon-free Energy Resource for that delivery year, consistent with the methodology set forth in the Carbon Mitigation Credit Procurement Plan as approved by the Illinois Commerce Commission in ICC Docket No. 21-0718.
- I.4.2. Carbon-free Energy Resources are selected in this CMC RFP based on public interest criteria of minimizing carbon dioxide emissions that result from electricity consumed in Illinois and minimizing sulfur dioxide, nitrogen oxide, and particulate matter emissions that adversely affect the citizens of Illinois<sup>1</sup>, as specified in the Act. These public interest criteria are used to develop a score for each Carbon-free Energy Resource presented as part of the Proposal in this CMC RFP.
- I.4.3. The evaluation criteria to determine scores based on public interest criteria are further explained in the [CMC Procurement Plan](#) and in Appendix A “Bid Evaluation Form”.
- I.4.4. The Carbon-free Energy Resources with the highest public interest criteria scores are selected through this CMC RFP until the annual target of CMCs is reached. The annual target (or “Target”) of CMCs that cannot be exceeded is 55,862,500 CMCs, which is equal to 54,500,000 CMCs plus 2.50% (54,500,000 CMCs + (54,500,000 CMCs x 2.50%)). For purposes of the selection process described in the following paragraph, a Carbon-free Energy Resource may only be selected if 100% of the average of the annual projected energy generation output (MWh) for the five years under the CMC Contract (“Annual Projected

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<sup>1</sup> If Carbon-free Energy Resources ceased operating, the electricity generated by these facilities in PJM generally would be replaced primarily by electricity generated from coal and natural gas generation that would emit certain pollutants. Thus, the Act recognizes environmental benefits to the continued operation of Carbon-free Energy Resources.

Quantity”) provided for the Carbon-free Energy Resource in the Proposal can be used to meet the Target.

- I.4.5. The selection of Carbon-free Energy Resources proceeds as follows. Carbon-free Energy Resources are ranked highest to lowest based on public interest criteria score. The Carbon-free Energy Resource with the highest score is selected. The difference between the Target and the Annual Projected Quantity for the selected Carbon-free Energy Resource, the “remaining Target,” is calculated. The Carbon-free Energy Resource with the next highest score is considered. The Carbon-free Energy Resource with the next highest score is selected if the Annual Projected Quantity for that Carbon-free Energy Resource does not exceed the remaining Target. This process continues until all Carbon-free Energy Resources have been considered, or until the Annual Projected Quantity for the next Carbon-free Energy Resource would exceed the Target, whichever comes first. The Target cannot be exceeded.
- I.4.6. If multiple Carbon-free Energy Resources have the same public interest criteria score then such Carbon-free Energy Resources are “Tied Carbon-free Energy Resources”. The Procurement Administrator will rank the Tied Carbon-free Energy Resources based on an average of the five prices in the Bid (“Average Bid Price”) from lowest to highest and select the Carbon-free Energy Resource with the lowest Average Bid Price first. If the Average Bid Prices for Tied Carbon-free Energy Resources are also the same, the Procurement Administrator will rank the Tied Carbon-free Energy Resources based on the Annual Projected Quantity from highest to lowest and select the Carbon-free Energy Resource with the highest Annual Projected Quantity first.

## **I.5. Seller Obligations**

- I.5.1. The supplier contract for this CMC RFP is referred to as the Carbon Mitigation Credit Agreement (or the “CMC Contract”). The CMC Contract fully specifies the obligations of a Bidder with a Carbon-Free Energy Resource selected through this CMC RFP and approved by the Commission. Such a Bidder becomes a Seller under the CMC Contract.
- I.5.2. As noted in the schedule for this CMC RFP provided in Table II-1, at the time when this CMC RFP is released, the final version of the CMC Contract may not yet be available. Within three (3) business days of the release of an Order by the ICC on the Carbon Mitigation Credits Procurement Plan, the Procurement Administrator, in consultation with the IPA, ICC Staff, the Procurement Monitor and ComEd, will determine whether a second comment process on the CMC Contract is needed. A second comment process may be held if changes to the CMC Contract are necessary to conform with the ICC Order. Any comments submitted in a second comment process will be limited to comments on the changes made to conform with such Order. If it is determined that a second comment process is needed, the Procurement Administrator will send an announcement with instructions for submitting comments and a timeline for parties to submit comments and include a revised deadline for posting of the final CMC Contract. The final version of the CMC Contract will be posted no later than November 19, 2021. Commenters must follow the instructions provided by the Procurement Administrator.
- I.5.3. A Bidder will be required to accept the terms of the CMC Contract as part of the Proposal.

## **I.6. Summary of RFP Documents**

I.6.1. The following documents are appended to the RFP Rules, and shall be considered an integral part of this CMC RFP:

- Appendix 1: Final CMC Contract (when it becomes available)
- Appendix 2: Proposal Form
- Appendix 3: Bid Form
- Appendix 4: Pre-Bid Letter of Credit for ComEd
- Appendix 5: Confidentiality Statement

## ARTICLE II. Information and Schedule

### II.1. Procurement Website

II.1.1. The Procurement Administrator has established a procurement website that is the main source of information for this CMC RFP. Bidders and other stakeholders can visit this procurement website to obtain information and documents related to the procurement events. The procurement website address is [www.IPA-energyrfp.com](http://www.IPA-energyrfp.com).

II.1.2. The procurement website contains the sections described below. New sections may be added as necessary to assist Bidders.

Home: This section provides recent announcements and a brief description of the products to be procured.

Announcements: This section provides announcements such as reminders about deadlines and posting of documents.

Block Energy and Capacity Procurement: This section provides documents related to the 2021 procurements of block energy for the AIC, ComEd, and MEC portfolios and of capacity for the AIC portfolio.

Utility-Scale Wind: This section provides documents for the procurement of RECs delivered from new utility-scale wind projects.

Carbon Mitigation Credit Program: This section provides documents for the procurement of Carbon Mitigation Credits from Carbon-free Energy Resources for ComEd.

Calendar: This section provides the timeline of events for the various upcoming IPA procurement events.

FAQs: The Procurement Administrator answers questions from interested parties via email. The question and answer are posted in this section so that all interested parties have access to the same information. Aspects of the question and/or answer that might identify the questioner are removed before posting to the extent practicable.

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Useful Links: This section provides information on programs run by the Illinois Power Agency but that are not 2021 procurement events. Links to the IPA’s Adjustable Block Program and Illinois Solar for All Program can be found here.

Contact Us: This section gives an opportunity for interested parties to register their email address to receive announcements regarding the procurement events and to ask questions of the Procurement Administrator.

Previous RFPs: The Procurement Administrator provides in this section links to information from previous RFPs.

Qualification Form: Bidders use this link and their login credentials to access the online Part 1 and Part 2 Forms that they use to submit information and upload required documents to respond to the requirements of an RFP. This link is not applicable to the CMC RFP.

## **II.2. RFP Schedule**

- II.2.1. The following is the schedule for the procurement under this RFP. Intermediate deadlines pertaining to submission and completion of the Carbon-free Resource Required Information with the IPA will be provided by the IPA. Specific times for submission of materials are provided elsewhere in this RFP. All such times are Central Prevailing Time unless specifically noted. The close of the business day will be 6 PM for purposes of processing Proposals. Unless otherwise specified, any reference to “day” shall mean a business day. Any changes to this schedule will be provided on the procurement website.

**Table II-1. Calendar.**

<b>Event</b>	<b>Date</b>
Carbon Mitigation Credits Procurement Plan is filed with the ICC	Wednesday, September 29, 2021
Draft supplier contract posted	Wednesday, October 13, 2021

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<b>Event</b>	<b>Date</b>
Comment process for draft supplier contract begins	Wednesday, October 13, 2021
Draft RFP documents posted	Thursday, October 14, 2021
Deadline to submit comments for draft supplier contract	Monday, November 1, 2021
ICC issues Order approving the Carbon Mitigation Credits Procurement Plan	Wednesday, November 10, 2021
Appendix B Carbon-free Resource Required Information is available from IPA	Wednesday, November 10, 2021
Final RFP documents issued	Thursday, November 11, 2021
Opening of Proposal Window	Friday, November 12, 2021
CMC Contract posted in final form <sup>2</sup>	Monday, November 15, 2021
Proposal Due Date (Proposals are due, except evidence of confirmation of bidder eligibility by IPA, Bid Form and Agreement to Final CMC Contract)	Thursday, November 18, 2021
Confirmation of bidder eligibility is sent by IPA to Bidders	Friday, November 19, 2021
Evidence of IPA's confirmation of Bidder's eligibility due to Procurement Administrator by 12PM (noon) CPT	Monday, November 22, 2021
Confirmation of eligibility to submit bid form is sent by Procurement Administrator to Bidders	Monday, November 22, 2021
Bid Date (Bid Form and Agreement to CMC Contract are Due by noon CPT)	Tuesday, November 23, 2021
Procurement Administrator submits confidential report on results of procurement event	Monday, November 29, 2021
ICC renders decision on results of procurement event	Wednesday, December 1, 2021
Contracts fully executed	Friday, December 3, 2021

<sup>2</sup> If it is determined that a second comment process on the supplier contract is needed, the Procurement Administrator will send an announcement with a timeline for parties to submit comments and a revised deadline for posting of the final CMC Contract will also be provided. The final version of the CMC Contract will be posted no later than November 19, 2021.

### **ARTICLE III. Proposal Requirements**

The Proposal Form and Bid Form will be posted to IPA-EnergyRFP.com on Thursday, November 11, 2021 and available for download by a Bidder.

A Bidder in the CMC RFP must provide to the IPA the eligibility information required under Section (d-10)3(B) of the IPA Act in response to the IPA's information request by the deadline and must respond to all additional requests in regards to the eligibility information by the IPA.

A Bidder submits a single Proposal in which it may submit to the requirements of the CMC RFP for one Carbon-free Energy Resource or for multiple Carbon-free Energy Resources. A Carbon-free Energy Resource must be fueled by nuclear power and must be interconnected to PJM. The Bidder must be the entity that would be the signatory to the CMC Contract if the Proposal is successful. The Procurement Administrator evaluates the Bid Form submitted in accordance with this CMC RFP for each Bidder that fulfills all the requirements of the Proposal by 12 PM (noon) on the Bid Date.

Various components of the Proposal are due at different times. The Bid Form is due between 10 AM and 12 PM (noon) on the Bid Date of November 23, 2021. Evidence of confirmation of eligibility received from the IPA is due from a Bidder to the Procurement Administrator by 12 PM (noon) on November 22, 2021. All other components, including submission of the Proposal Form and the executed Pre-Bid Letter of Credit, must be submitted by 12 PM (noon) CPT on November 18, 2021, which is the Proposal Due Date.

A Bidder may provide comments on or propose modifications to the Standard Pre-Bid Letter of Credit for ComEd by the opening of the Proposal Window on November 12, 2021. Any one of a Bidder's comments or proposed modifications may result in an addition to the list of modifications to the Standard Pre-Bid Letter of Credit approved by ComEd for use by all Bidders on an optional basis. The Bidder provides comments and proposes modifications exclusively by submitting a redline of the Pre-Bid Letter of Credit in Microsoft Word format. A document that is not substantially

in the form of the standard letter of credit for ComEd will not be evaluated. This document is provided by email to the Procurement Administrator.

### **III.1. General Information About the Bidder and the Carbon-free Energy Resources**

III.1.1. Identity and Address for the Bidder. The “Bidder” is the entity submitting the Proposal and the entity that would be the signatory to the CMC Contract if the Proposal is successful. The Proposal must identify the Bidder’s legal name and address (including street address, city, state, and zip code).

III.1.2. Officer of the Bidder. A Bidder must provide the name, title, and full contact information (address, business phone number, mobile phone number, and email address) of the Officer of the Bidder. The Officer of the Bidder must be an officer, a director or an individual otherwise empowered to undertake contracts and bind the Bidder. The Officer of the Bidder whose contact information is provided in the Proposal must make all representations required in the Proposal. It is expected that, if a Bidder has Carbon-free Energy Resources selected through the CMC RFP and approved by the Commission, the Officer of the Bidder would sign the CMC Contract. Should the Officer of the Bidder not be available to sign for this purpose, the Bidder will advise ComEd of this fact. The Bidder will name another individual to sign and the Bidder will confirm that this individual is empowered to undertake contracts and bind the Bidder.

III.1.3. Representatives. The Bidder must identify the individual or individuals responsible for submission of the Proposal and provide full contact information for each individual, including an address, business phone number, mobile phone number, and email address. These individuals, each a “Representative”, must be authorized to act on behalf of the

Bidder. The Procurement Administrator sends all correspondence related to the procurement event to the Representatives, including information required to submit the Bid Form on the Bid Date. The Proposal Form requires naming one (1) Representative and the Bidder may name up to three (3) additional Representatives.

- III.1.4. Carbon-free Energy Resources. The Bidder must provide the Carbon-free Energy Resource name and address, the name of the applicable Pnode ID (the pricing location for the Carbon-free Energy Resource as identified by PJM and as used by PJM in the energy settlement for the Carbon-free Energy Resource), and both the summer capacity (MW) and nameplate capacity (MW) for each Carbon-free Energy Resource presented as part of the Proposal. The summer capacity (MW) and nameplate capacity (MW) provided for a Carbon-free Energy Resource in the Proposal Form must match the summer capacity (MW) and nameplate capacity (MW) provided for that Carbon-free Energy Resource in Appendix B Carbon-free Resource Required Information submitted to the IPA. The summer capacity (MW) will be used to calculate the Minimum Delivery Commitment as defined in the CMC Contract.
- III.1.5. Agency Agreement. A Bidder that is operating under an Agency Agreement may be subject to additional requirements. The Bidder must indicate in the Proposal Form that the Bidder is operating under an Agency Agreement. Such additional requirements will be provided to the Bidder, should they apply, in a separate notice.
- III.1.6. Information required in this Section III.1 must be provided exclusively by completing Section 1 of the Proposal Form and by providing the Proposal Form by the Proposal Due Date, as further explained in 0.

## **III.2. Bid Participation Fee**

- III.2.1. The requirements of this section apply only to a Bidder that has not paid a Bid Participation Fee pursuant to participation in a prior 2021 procurement event and that submits a Proposal.
- III.2.2. Such Bidder is required to pay a non-refundable Bid Participation Fee of \$500. The Bid Participation Fee will be used to cover part of the costs of the procurement event. A Bidder that has paid the Bid Participation Fee will not be reimbursed, even if all Carbon-free Energy Resources presented by the Bidder fail to meet the requirements of the Proposal or if the Bidder decides not to continue its participation in the CMC RFP. (The Supplier Fees, which are levied only on Bidders with Carbon-free Energy Resources selected through the CMC RFP and approved by the Commission, are also used to cover part of the costs of the procurement event.)
- III.2.3. Such Bidder must pay the Bid Participation Fee to the IPA as a condition of the Bidder fulfilling the requirements of the Proposal. The Procurement Administrator will issue instructions for the payment of the Bid Participation Fee prior to the opening of the Proposal Window that will include the available methods of payment. Instructions for submission of the Bid Participation Fee are available from the Procurement Administrator upon request.
- III.2.4. The Bid Participation Fee is due by the Proposal Due Date (November 18, 2021) and such Bidder must provide evidence of compliance with this requirement with its Proposal. Such evidence must show that payment has been made in accordance with the instructions issued by the Procurement Administrator. Such evidence is provided by email or using the Procurement Administrator's secure file transfer interface. Notwithstanding whether a Bidder has provided such evidence, the Proposal remains deficient until the Procurement Administrator is able to get confirmation from the IPA that the IPA has received payment of the Bid Participation Fee from the Bidder.

III.2.5. Information required in this Section III.2 must be provided exclusively by completing Section 2 of the Proposal Form and by providing the Proposal Form by the Proposal Due Date, as further explained in 0.

### **III.3. Additional Carbon-free Energy Resource Information**

III.3.1. Projected Energy Generation Output. A Bidder must provide the annual projected energy generation output (MWh) for each of the five years under the CMC Contract for each Carbon-free Energy Resource presented as part of the Proposal. The average of the annual projected energy generation output (MWh), rounded to the nearest whole number, for the five years for a Carbon-free Energy Resource will be the Annual Projected Quantity for that Carbon-free Energy Resource used in the selection process described in Paragraph I.4.5.

- The sum of the average of the annual projected energy generation output (MWh), rounded to the nearest whole number, provided for each Carbon-free Energy Resource presented as part of the Proposal cannot exceed the Target.
- The average of the annual projected energy generation output (MWh), rounded to the nearest whole number, provided for each Carbon-free Energy Resource must be greater than or equal to the Minimum Delivery Commitment defined in the CMC Contract. The Minimum Delivery Commitment for a Carbon-free Energy Resource is equal to the multiplicative product of (a) 88%, (b) 8760, and (c) the summer capacity (MW) provided for that Carbon-free Energy Resource.
- The annual projected energy generation output (MWh) for each delivery year for a Carbon-free Energy Resource cannot exceed the multiplicative product of (a) 100%, (b) 8760, and (c) the nameplate capacity (MW) provided for that Carbon-free Energy Resource.

- III.3.2. Evidence of Confirmation of Eligibility from the IPA. A Bidder must provide to the IPA the eligibility information required under Section (d-10)(3)(B) of the Act in response to the IPA's information request by the deadline and must respond to all additional requests in regards to the eligibility information by the IPA. Parties provide such information by submitting Appendix B "Carbon-free Resource Required Information" to the IPA in accordance with instructions issued by the IPA. Once notified of their eligibility by the IPA, Bidders must provide such evidence of confirmation of eligibility from the IPA to the Procurement Administrator by email or using the Procurement Administrator's secure file transfer interface.
- III.3.3. Information required in this Section III.3 must be provided exclusively by (i) completing Section 3 of the Proposal Form and by providing the Proposal Form by the Proposal Due Date; and (ii) providing evidence of confirmation of eligibility from the IPA by 12PM (noon) on November 22, 2021, as further explained in 0.

### **III.4. Representations**

- III.4.1. Representations Required. The Officer of the Bidder must make the following representations:
- The Bidder as identified in the Proposal is the entity that will sign the CMC Contract for a given Carbon-free Energy Resource with ComEd if the Carbon-free Energy Resource is selected through the CMC RFP and approved by the Illinois Commerce Commission;
  - Each resource presented in the Proposal is a Carbon-free Energy Resource as defined in the Act;
  - All information related to each Carbon-free Energy Resource presented in the Proposal and in Appendix B Carbon-free Resource Required Information submitted to the IPA, as

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such information may have been amended or supplemented in response to a request for information by the IPA, is or remains accurate and up-to-date;

- The Bidder acknowledges that as of the Effective Date of the CMC Contract and throughout the term of the CMC Contract, the Bidder is committed to continue operating each Carbon-free Energy Resource presented as part of the Proposal in such manner that the Delivery Year Performance of each Delivery Year is at least equal to the Minimum Delivery Commitment, as such terms are defined in the CMC Contract, unless excused by Force Majeure or unless made impracticable as a result of compliance with law or regulation;
- The Bidder will make commercially reasonable efforts to apply for federal tax credits, direct payments, or similar subsidy programs that support carbon-free generation and for which it is eligible to apply for in relation to each Carbon-free Energy Resource presented as part of the Proposal
- The Bidder accepts all the terms and conditions of these RFP Rules, regardless of the outcome of the CMC RFP or the outcome of the Proposal; and
- All information provided in the Proposal is true and accurate to the best of the Officer's knowledge and belief. If, for any reason and due to any circumstance, any information provided in the Proposal changes or any previous certification fails to remain valid before the Bid Date, the Bidder will notify the Procurement Administrator of such change as soon as practicable, and failing to do so may result in disqualification of the Bidder.

A Bidder that tries to unduly influence in any way the evaluation process may be disqualified by the Procurement Administrator. The Officer of the Bidder makes these certifications by fully completing the Representations Attachment prepared for this purpose and available on the procurement website. The Representations Attachment is labeled Attachment #1.

The signature of the Officer of the Bidder must be completed in one of two ways. Either Attachment #1 is printed and signed. In this case, the signature must be notarized or attested with the corporate seal. Or the signature is completed using an “Acceptable Digital Signature”, which is a digital signature together with an additional document or information that verifies the identity of the signatory. Additional documentation or information may include: (i) a certificate of completion if the signatory uses DocuSign; (ii) a Final Audit Report if the signatory uses Adobe Sign; (iii) evidence that the digital signature has been certified by the signatory using a document signing certificate; or (iv) other documentation or information produced by a commercially available software that can be used by the Procurement Administrator to verify the identity of the signatory. Digital signatures without a document or information verifying the identity of the signatory are not acceptable; signature images and other electronic signatures are not acceptable.

III.4.2. Confidentiality. The Officer of the Bidder must also make the following representations regarding the confidentiality of the Proposal. As a necessary part of preparing the Proposal, the Bidder may communicate with a financial institution for purposes of arranging the payment of collateral and may communicate with advisors. The Officer of the Bidder must certify that:

- The Bidder has taken all necessary care to uphold the confidentiality of its Proposal in its communications with a financial institution for the purpose of arranging payment of the collateral, or in its communications with advisors, if any;
- With the exceptions of communications with a financial institution for the purpose of arranging payment of the collateral, or advisors (if any), the Bidder has not disclosed, and will otherwise not disclose, publicly or to any other party any information relating to its Proposal, which could have an effect on whether another party submits a Proposal for this procurement event, or on the contents of such Proposal that another Bidder would

be willing to submit. Such information includes, but is not limited to, the Bidder's Bids.

This certification must hold until the ICC has rendered its decision on the results of the procurement event.

A Bidder that cannot make all of these certifications but that fully justifies its inability to do so fulfills this requirement. The Officer of the Bidder makes these certifications by fully completing the Confidentiality Attachment prepared for this purpose and available on the procurement website. The Confidentiality Attachment is labeled Attachment #2. The signature of the Officer of the Bidder must be completed in one of two ways. Either Attachment #2 is printed and signed. In this case, the signature must be notarized or attested with the corporate seal. Or the signature is completed using an Acceptable Digital Signature.

III.4.3. Information required in this Section III.3 must be provided exclusively by completing Attachment #1 and Attachment #2 and providing such documents by the Proposal Due Date, as further explained in 0. A Bidder provides the Attachment #1 and Attachment #2 by email or using the Procurement Administrator's secure file transfer interface.

### **III.5. Credit Instruments (Including the Pre-Bid Letter of Credit)**

III.5.1. Credit Instruments from the CMC Contract. To the extent that a Bidder has not already provided comments to the letter of credit for ComEd or to the standard Form of Guaranty for ComEd appended to the CMC Contract during a comment process on the contract, a Bidder may submit comments to these credit instruments during the Proposal Window. A Bidder may:

- Submit comments or propose modifications to the standard Irrevocable Standby Letter of Credit for ComEd that may be used to post security under the terms of the CMC Contract and that is provided as Exhibit C of the CMC Contract (the "Post-Bid Letter of Credit"). 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 ComEd 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 in Microsoft Word format. A document that is not substantially in the form of the standard letter of credit for ComEd will not be evaluated. This document is provided by email to the Procurement Administrator.

- Submit comments or propose modifications to the standard Form of Guaranty drawn for the benefit of ComEd and that is provided as Exhibit B of the CMC Contract. Any one of a Bidder's comments or proposed modifications to the Form of Guaranty may result in an addition to the list of modifications to the Form of Guaranty approved by ComEd for use by all Bidders on an optional basis. The Bidder provides comments and proposes modifications exclusively by submitting a redline of the Form of Guaranty in Microsoft Word format. A document that is not substantially in the form of the Form of Guaranty for ComEd will not be evaluated. This document is provided by email to the Procurement Administrator.

III.5.2. Pre-Bid Letter of Credit. A Bidder must provide an executed Pre-Bid Letter of Credit to ComEd, drawn for the account of the Bidder.

- Regardless of the number of Carbon-free Energy Resources presented in the Proposal, the required amount of the Pre-Bid Letter of Credit for ComEd is \$600,000.
- The executed Pre-Bid Letter of Credit for ComEd must be submitted to ComEd and to the Procurement Administrator as an electronic PDF file via electronic means only. The executed Pre-Bid Letter of Credit for ComEd must be submitted to the email addresses specified by the Procurement Administrator. The electronic PDF file of the Pre-Bid Letter of Credit serves as the operative instrument.

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- The Bidder must either use the Standard Pre-Bid Letter of Credit for ComEd as provided in an appendix to these RFP Rules or the Bidder must submit a Pre-Bid Letter of Credit that incorporates only those modifications to the Standard Pre-Bid Letter of Credit approved by ComEd and posted to the procurement website.
- Payment under the Pre-Bid Letter of Credit can be demanded by ComEd if the Bidder: (i) has disclosed information relating to its Bid(s) publicly or to any other party (excluding disclosures required by a federal, state, or local agency, or by a court of competent jurisdiction) before the Illinois Commerce Commission has rendered its decision on the results of the Procurement Event; (ii) has made a material omission or misrepresentation in the Proposal submitted by the Bidder in connection with the procurement event; (iii) has failed to execute the applicable supplier contract within two (2) Business Days of being notified that a Carbon-free Energy Resource presented by the Bidder was selected through the CMC RFP and approved by the Illinois Commerce Commission or has failed to meet any creditworthiness requirements of the applicable supplier contract; or (iv) has failed to pay the Supplier Fee to the Illinois Power Agency within seven (7) business days of being notified that a Carbon-free Energy Resource presented by the Bidder was selected through the CMC RFP and approved by the Illinois Commerce Commission.
- The Pre-Bid Letter of Credit must expire no earlier than fourteen (14) business days after the anticipated date of the Commission decision on the procurement event.

III.5.3. Information required in this Section III.5 must be provided exclusively by completing Section 5 of the Proposal Form and by providing the Proposal Form by the Proposal Due Date, as further explained in 0.

### **III.6. CMC Contracts**

- III.6.1. General. At the time when this CMC RFP is released, the final version of the CMC Contract may not yet be available.
- III.6.2. Information to Prepare the CMC Contracts. A Bidder is required to provide information to the Procurement Administrator so that ComEd can prepare the CMC Contract should the Bidder have a Carbon-free Energy Resource selected through this CMC RFP and approved by the Commission. A Bidder that intends to use a Guarantor is also asked to provide all information necessary for ComEd to prepare the Guaranty. The CMC Contract is prepared by ComEd after the Procurement Administrator notifies the Bidder that the Carbon-free Energy Resource has been selected through the CMC RFP. A Bidder provides this information by providing the fully completed Contract Attachment prepared for this purpose and available on the procurement website. The Contract Attachment is labeled Attachment #3. A Bidder provides the Contract Attachment in Microsoft Word format by email or using a secure file transfer interface. A Contract Attachment in pdf format will not be accepted.
- III.6.3. Information required by this Section III.6 must be provided exclusively by completing Attachment #3 and providing such document by the Proposal Due Date as instructed in Section 6 in the Proposal Form and as further explained in 0.

### **III.7. Bid Forms**

- III.7.1. General. The Bid Form will be posted to IPA-EnergyRFP.com on Thursday, November 11, 2021 and will be available for download by a Bidder. This Bid Form provided as Appendix 3 to the RFP Rules is the exclusive method for submitting a Bidder's Bids. The Procurement Administrator will contact Bidders by November 16, 2021 to schedule a training session on the bid submission procedure.

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III.7.2. Bid. A “Bid” for a Carbon-free Energy Resource consists of five prices in \$/MWh, one price for each delivery year under the CMC Contract. The price for a given delivery year in the Bid will be used to calculate the price per CMC to be paid to the applicable Carbon-free Energy Resource in that delivery year, consistent with the methodology set forth in the Carbon Mitigation Credit Procurement Plan as approved by the Illinois Commerce Commission in ICC Docket No. 21-0718.

III.7.3. Completion of the Bid Form.

- Section 1 of the Bid Form will require the Bidder to provide contact information for a representative of the Bidder.
- In Section 2, the Officer of the Bidder must acknowledge and certify to the following:
  - I understand the terms of the CMC Contract and the Bidder accepts all of the terms of the CMC Contract without modifications;
  - The Bid(s) submitted in the Bid Form are binding until eight (8) business days after the Bid Date and the price for a given delivery year in the Bid will be used to calculate the price per CMC to be paid to the applicable Carbon-free Energy Resource for that delivery year, consistent with the methodology set forth in the Carbon Mitigation Credit Procurement Plan as approved by the Illinois Commerce Commission in ICC Docket No. 21-0718;
  - All information related to each Carbon-free Energy Resource presented in the Proposal and in Appendix B Carbon-free Resource Required Information submitted to the IPA, as such information may have been amended or supplemented in response to a request for information by the IPA, remains accurate and up-to-date, and will remain so until eight (8) business days after the Bid Date;

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- The Bidder agrees that, if a Carbon-free Energy Resource presented by the Bidder is selected through the CMC RFP and is approved by the Commission, the Bidder will execute the CMC Contract for the Carbon-free Energy Resource with ComEd as instructed by the Procurement Administrator and the Bidder will submit any necessary supporting documentation (if applicable) in the timeframes required by the CMC Contract;
- The Bidder acknowledges that Supplier Fees, in the amount specified by the IPA, must be paid by the Bidder if a Carbon-free Energy Resource presented by the Bidder is selected through the CMC RFP and is approved by the Commission; and
- The Bidder has no pending or, to its knowledge, threatened litigation, arbitration or administrative proceeding before any Governmental Authority or any arbitrator that is likely to materially adversely affect its ability to perform its obligations under the CMC Contract.

The Officer of the Bidder must sign the Bid Form that includes these acknowledgments and certifications. The signature of the Officer of the Bidder must be completed in one of two ways: either (i) the Bid Form is printed and signed; or (ii) the signature is completed using an Acceptable Digital Signature. A Bidder must fill out all required information in the Bid Form according to the instructions provided by the Procurement Administrator.

- In Section 3, for each Carbon-free Energy Resource, the Bidder must provide a Bid, which consists of five prices in \$/MWh, one price for each delivery year under the CMC Contract. For each Carbon-free Energy Resource, the Bidder must select an Energy Price Index pursuant to to Section 1-75(d-10)(3)(C)(iii)(I) of IPA Act, which will be used to calculate the price per CMC to be paid under the CMC Contract: (A) the weighted-average hourly day-ahead price for the applicable delivery year at the busbar of all resources procured

pursuant to this RFP, weighted by actual production from the resources; or (B) the projected energy price for the PJM Interconnection, LLC Northern Illinois Hub for the applicable delivery year.

III.7.4. Requirements for the Bid. The Bid must fulfill the following requirements:

- A price must be provided for each delivery year, for a total of five prices.
- Each price must be in \$/MWh and be rounded to the nearest cent.
- Only one Bid may be submitted for each Carbon-free Energy Resource.
- The price for a given delivery year must be less than or equal to a customer protection cap equal to the Baseline Cost, defined in section (d-10)(2) of the IPA Act, for that delivery year. The Baseline Costs for each delivery year are the following: (i) \$30.30/MWh for the delivery year beginning June 1, 2022; (ii) \$32.50/MWh for the delivery year beginning June 1, 2023; (iii) \$33.43/MWh for the delivery year beginning June 1, 2024; (iv) \$33.50/MWh for the delivery year beginning June 1, 2025; and (v) \$34.50/MWh for the delivery year beginning June 1, 2026.

The Bidder may not submit any additional instructions, contingencies, or conditions on its Bids. Any such additional instructions, contingencies, or conditions will be ignored.

III.7.5. Bid Form Guide. The Procurement Administrator provides a guide for completion of the Bid Form, for the optional encryption of the Bid Form, and for submission of the completed Bid Form to the Procurement Administrator via email or the Procurement Administrator's secure bid transfer interface. The guide will be provided ahead of the training session.

III.7.6. Bid Window. The Bidder's Bids must be received between 10 AM and 12 PM (noon) on the Bid Date. After a two-hour cure period during which Bidders may correct errors or inconsistencies in their Bid Forms, Bidders have no further ability to change their Bids. The Bid Window is then closed and Bids are evaluated. No late Bid Forms will be accepted.

III.7.7. Processing of Bids During Bid Window. A Bidder must fulfill the requirements and follow the process described in this paragraph.

- A Bidder must fill out all required information in the Bid Form according to the instructions provided by the Procurement Administrator. A Bidder must fill out contact information on its Bid Form and the Procurement Administrator will use that information to confirm receipt of the Bids. A Bidder may encrypt its Bid Form for additional security using the security code provided by the Procurement Administrator.
- A Bidder must submit the Bid Form to the Procurement Administrator by email or through the Procurement Administrator's secure bid transfer interface according to the instructions provided by the Procurement Administrator.
- The Bidder must be available between 12 PM (noon) and 2 PM CPT on the Bid Date to receive the assessment of the Bid Form during which the Procurement Administrator will confirm whether the Bid Form is complete and consistent with the RFP Rules. The Procurement Administrator will at that time contact the Bidder by phone to provide this assessment. The Procurement Administrator may contact the Bidder earlier than 12 PM (noon) on the Bid Date.
- If the Bid Form is deficient, the Bidder will have an opportunity to resubmit the Bid Form and any such resubmission of a complete Bid Form will supersede all previously submitted Bid Forms as long as the resubmission is received by 2 PM on the Bid Date. If the Procurement Administrator is unable to contact the Bidder, the Procurement Administrator will send a notification by email to the Bidder stating this fact.

## **ARTICLE IV. Process**

### **IV.1. Proposals: Submission and Processing**

- IV.1.1. Any notification or other written communication from the Procurement Administrator to a Bidder will be sent to the email addresses provided for the Representatives. Any such notification or communication will be deemed received by the Bidder at the time of delivery or transmission, provided that when delivery or transmission occurs after 6 PM on a business day or occurs on a day that is not a business day, receipt will be deemed to occur at 9 AM on the following business day. All times in this CMC RFP are Central Prevailing Times unless specifically noted. Any email from the Bidder to the Procurement Administrator should be addressed to Illinois-RFP@nera.com to ensure a prompt reply.
- IV.1.2. Any document or other information prepared and sent by the Procurement Administrator to a Bidder for its continued participation in the CMC RFP is sent through a secure electronic method to the Representatives. Any such document or other information will be deemed received by the Bidder at the time of delivery or transmission, provided that when delivery or transmission occurs after 6 PM on a business day or occurs on a day that is not a business day, receipt will be deemed to occur at 9 AM on the following business day.
- IV.1.3. The exclusive method of responding to the Proposal requirements is the use of the Proposal Form together with the use of Attachments available as separate forms from the Procurement Administrator. The Bid Participation Fee must be paid to the IPA according to the instructions provided for this purpose. Documents (supporting documents and Attachments) must be sent to the Procurement Administrator via email or using a secure file transfer interface.
- IV.1.4. Responses to the requirements of these RFP Rules that do not use the Proposal Form and the Attachments prepared for this purpose will not be considered and the Proposal will be considered deficient.

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- IV.1.5. If a Bidder is submitting comments to the Pre-Bid Letter of Credit for ComEd, such comments must be received by 12 PM (noon) on November 12, 2021. A Bidder must submit the Proposal Form, including Attachments #1, #2, and #3, and the executed Pre-Bid Letter of Credit for ComEd by 12 PM (noon) CPT on November 18, 2021. A Bidder must submit evidence of confirmation of eligibility from the IPA by 12 PM (noon) on November 22, 2021. A Bidder that has otherwise fulfilled all the requirements for the Proposal must submit the Bid Form between 10 AM and 12 PM (noon) on November 23, 2021. No materials will be accepted after the deadline for such materials has passed. If the procurement schedule is revised for any reason, the Procurement Administrator will post updated deadlines for submission of materials.
- IV.1.6. If a Proposal is received on any business day during the Proposal Window, the Procurement Administrator acknowledges receipt on the business day the materials are received. The Procurement Administrator also sends the results of an initial review. If a Proposal is received before 12 PM (noon) on any business day during the Proposal Window, the Procurement Administrator sends the initial review by 6 PM on the same business day. If a Proposal is received after 12 PM (noon) on any business day during the Proposal Window, the Procurement Administrator sends the initial review by 12 PM (noon) of the next business day. The initial review either states that the Proposal is complete and is being considered, or the initial review lists items of the Proposal that are incomplete or require clarification.
- IV.1.7. A Bidder must post bid assurance collateral in accordance with the instructions provided by the Procurement Administrator. A Bidder's Proposal is automatically deficient if the executed Pre-Bid Letter of Credit for ComEd proposes or includes modifications to the Standard Pre-Bid Letter of Credit for ComEd that are not among those that are acceptable to ComEd and posted to the procurement website.

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- IV.1.8. If the Proposal is incomplete or requires clarification, the Procurement Administrator sends a deficiency notice to the Bidder. If the Bidder receives a first deficiency notice from the Procurement Administrator regarding any item of the Proposal, the Bidder has until 12 PM (noon) on the Proposal Due Date, or until 6 PM on the first business day following the business day during which a first deficiency notice is sent to the Bidder, whichever comes later, to respond, with one exception. If the deficiency notice pertains to the Pre-Bid Letter of Credit, the RFP Bidder will have until 12 PM (noon) on the Proposal Due 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, 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 will be no longer than (and may be shorter than) the time allowed under a first deficiency notice. If the Bidder does not correct or adequately explain the deficiency within the time allowed, the Proposal will be rejected. If the Proposal is complete, the Procurement Administrator sends a notice that the Proposal is complete and is being considered.
- IV.1.9. A Bidder is eligible to submit a Bid Form if its Proposal is received on or before 12 PM (noon) on the Proposal Due Date, and if evidence of confirmation of bidder eligibility from the IPA is received from the Bidder by 12 PM (noon) on November 22, 2021. If such is the case, the Procurement Administrator sends a Notification of Eligibility to the Bidder for the Carbon-free Energy Resources presented in the Proposal by November 22, 2021. Furthermore, the Procurement Administrator provides a unique security code to be used in the submission of a Bid Form.

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- IV.1.10. The Procurement Administrator will inform Bidders of the amount of the Supplier Fee no later than 6 PM two (2) business days before the Bid Date.
- IV.1.11. The Bid Form must be filled out completely and transferred in accordance to the instructions provided by the Procurement Administrator and in accordance with the requirements of this CMC RFP. The Bid Form may be encrypted. A Bid Form that is incompletely or inconsistently filled out will be considered deficient and will not be evaluated. No late Bid Forms will be accepted under any circumstances.
- IV.1.12. A Bidder's Bid Form is evaluated if all components of the Proposal fulfill the requirements of this CMC RFP by 2 PM on the Bid Date.
- IV.1.13. The Procurement Administrator notifies a Bidder by 6 PM on the Bid Date whether a Carbon-free Energy Resource presented by the Bidder is selected through the CMC RFP. Such notification is made earlier to the extent practicable or may be made on the next business day as circumstances warrant. This notification occurs by email. The Procurement Administrator provides no other information to a Bidder about the results of the procurement event.

## **IV.2. Post-Bid Process**

- IV.2.1. If the ICC accepts the results of the procurement event, the Procurement Administrator will notify Bidders that presented Carbon-free Energy Resources selected through the CMC RFP and approved by the Commission. The Commission will issue a public notice in accordance with Section 1-75(d-10)(3)(E) of the IPA Act that will also be available on the procurement website.
- IV.2.2. The Procurement Administrator will advise Bidders of the contract execution process once the CMC Contract is finalized.

IV.2.3. Bidders with Carbon-free Energy Resources selected through the CMC RFP and approved by the Commission will be assessed a Supplier Fee that will be due within seven (7) business days of Commission approval. For Bidders with no Carbon-free Energy Resources selected through the CMC RFP and approved by the Commission, the Pre-Bid Letter of Credit will expire as part of its terms. For Bidders with Carbon-free Energy Resources selected through the CMC RFP and approved by the Commission, the Pre-Bid Letter of Credit stays in place until the CMC Contracts are fully executed for all Carbon-free Energy Resources and until the Supplier Fees have been paid.

### **IV.3. Personnel and Confidentiality**

IV.3.1. Any information provided by a Bidder in its 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 ICC Staff.

IV.3.2. The Procurement Administrator, the Procurement Monitor, representatives from the IPA, the ICC Staff, and representatives of ComEd as applicable who are involved in the evaluation of Proposals will consider all data and information provided by Bidders in response to this CMC RFP to be confidential and will attempt to limit its disclosure to the public in accordance with the provisions of this section. ComEd will also take reasonable action to ensure that its employees, representatives and agents authorized to consider and evaluate all Proposals protect the confidentiality of such data and information. Each representative of the Procurement Administrator, Procurement Monitor, and ComEd that has access to any portion of the Proposals is required to sign a Confidentiality Statement in the form of Appendix 5 to these RFP Rules prior to evaluation of any portion of the Proposals. The list

of all signatories is available to a Bidder upon request. A limited number of representatives from ComEd will receive information for purposes of preparing the applicable supplier contracts. Another confidentiality agreement will be executed for this purpose.

IV.3.3. However, absolute protection from public disclosure of the Bidders' data and information filed in response to this CMC RFP cannot be provided and is not intended. By submitting a Proposal in response to this CMC RFP, a Bidder acknowledges and agrees to the limitations of the confidentiality provisions set forth in this section.

IV.3.4. In addition, the Bidders' data and information filed in response to the CMC RFP will be disclosed if required by any federal, state or local agency (including, without limitation, the ICC) or by a court of competent jurisdiction. ComEd or the Procurement Administrator will notify the Bidder in advance of such disclosure and cooperate with such Bidder, to the extent deemed reasonable by ComEd, and at the expense of the Bidder, to prevent the disclosure of such materials. In any event, ComEd, its employees, and agents including the Procurement Administrator will not be responsible to the Bidders or any other party or liable for any disclosure of such designated materials before, during or subsequent to this CMC RFP.

## **ARTICLE V. Reserved Rights**

- V.1.1. ComEd will not be liable to any Bidder or any other party for failure to execute the applicable supplier contract. Nothing herein may be construed to bind ComEd unless and until the ICC has approved selected Carbon-free Energy Resources for this procurement event, and the CMC Contract with a Bidder has been executed and is effective. Once effective, it is the CMC Contract and not the RFP Rules or any documents relating thereto that will govern the relationship between and the responsibilities of the parties.
- V.1.2. The Procurement Administrator reserves the right to reject Proposals submitted in response to this CMC RFP that are incomplete, or do not conform with the requirements of this CMC RFP, or are submitted beyond the deadline for submission, or are submitted by a Bidder that tries to unduly influence in any way the evaluation process.