

**Illinois Power Agency
18-RFP-01**

**Responses to Offeror Questions
March 23, 2018**

1. If we wanted to propose a "modification in writing" to section 10 of attachment DD per attachment DD, would we need to do that in the RFP response or could that be done as part of the contract negotiation?

Proposed modifications should be submitted as Exceptions on Attachment KK as part of the RFP response. Any potential agreement by the Agency to accept a modification, or to agree to further revisions to a proposed modification, would occur through the final contract negotiations.

2. There is an evaluation criteria of "Where services are performed" worth 40 points with a minimum required of 20 points. The corresponding section 2.5 doesn't make it clear how these points are allocated, can you provide some clarification? Would a company located in the U.S. with all work done in the U.S. receive the minimum required 20 points in this area, or would the company have to perform some percentage the work on this contract in an IL sited office to meet the minimum 20 point requirement and if so what would that percentage be, or is there some other criteria by which this requirement could be met?

An RFP response that proposed to conduct a portion of the work outside of the United States would not be considered acceptable and would thus earn fewer than the minimum of 20 points required for this criterion. In terms of how this criterion will be applied in scoring, the Agency will consider and evaluate what portion of the work performed under the contract is proposed to be conducted in Illinois.

3. Based on the RFP and the Offeror's Conference, we understand the Program Administrator will be primarily responsible for the following activities, subject to oversight and supervision by the Agency. However, it would be helpful if the Agency would elaborate a bit further on the role it sees itself playing regarding the following:
 - a. Per Plan 6.9, the development and implementation of detailed criteria for what constitutes an acceptable "Approved Vendor's organizational history, capacity, financial information, regulatory status in Illinois and other states (including current complaints or other actions against the Vendor or prior complaints within the past five years), etc."

The Agency expects that the Program Administrator would utilize its experience in managing programs in other jurisdictions to identify relevant criteria and make recommendations to the Agency regarding the development of these criteria. The Agency expects to make any final decisions, in conjunction with the Program Administrator, as to whether an Approved Vendor has failed to meet the Agency's expectations of an Approved Vendor and what specific remedy (exclusion from the program, heightened monitoring, etc.) is appropriate.

- b. Per Plan 6.9 and 6.14.6, determining acceptable forms of letters of credit.

The Program Administrator will work with the Agency, the utilities (who will be the holders of the letters of credit), the Agency's Procurement Administrator (who has prior experience in developing model letters of credit for the Agency's competitive procurement events seeking block energy, capacity, and RECs), and ICC staff to develop standard letters of credit. The Agency also expects to solicit stakeholder input on letters of credit and contract documents.

- c. Per Plan 6.14.1, developing processes and procedures for determining to which utility to assign contracts/projects within a block.

The Agency expects the Program Administrator to develop a proposal for this process and procedure, consistent with the Plan approved in ICC Docket No. 17-0838 and ultimately subject to review, modification, and final approval by the Agency. Please note that the assignment of contracts to utilities could also be impacted by the Commission's decision regarding eligibility of projects in the service territories of municipal electric utilities and rural electric cooperatives. (See the Agency's Brief on Exceptions at 2-13 in ICC Docket No. 17-0838.)

4. Per Plan 6.14 and 6.17, please confirm that the utilities will be primarily responsible for consummating, implementing, and enforcing contracts once a batch is approved by the Commission, with the Program Administrator's role being essentially only to provide the contract information to the utilities and to review and recommend and/or make any appropriate responses to the Annual Reports.

The utilities will be responsible for executing contracts, and will be the counterparty to contracts with rights related to ultimate enforcement of contract terms. (See the Agency's Reply to Responses at 32 in ICC Docket No. 17-0838.) The Program Administrator will be responsible for reviewing project completion and energization information (see Section 6.15.3) and informing the utility that the project has been approved for payment for RECs (and similarly reviewing community solar subscription levels per Section 6.15.4). The Program Administrator will review Annual Reports and coordinate with the utilities as needed to provide them information for enforcing contract provisions (e.g., provisions related to drawing on collateral for non-performance, or requests to reduce REC delivery obligations).

5. Per Plan 6.10 and 6.13.2, does IPA expect the Program Administrator, the IPA, or some other entity to develop, host, and maintain the website? (We understand the Program Administrator at least be hosting and maintaining the online portal and online dashboard.)

The Agency expects the Program Administrator to develop, host, and maintain the Adjustable Block Program website. The Agency's website will have high-level information on the program, but will direct visitors to the Program-specific website.

6. Per Plan 6.5, please confirm that, IPA, not the Program Administrator, will be responsible for determining what adders and adjustments will be generically available, with the Program Administrator being responsible only to include them in the Program's published pricing tables and contract information, as appropriate.

Assuming that "adders and adjustments" refers to REC pricing, the Agency will be responsible for determining and updating REC prices and adders. The Agency expects the Program Administrator to serve as a resource to the Agency in any considerations of changes to REC prices and adders, utilizing their experience and knowledge gained from review of Adjustable Block Program applications, experience from other jurisdictions, and any other applicable information they may possess.

7. Per Plan 6.12.2, please confirm that it would be acceptable to require that applicants use of meters and inverters that are on a published list of those meters and inverters that meet the criteria in this subsection, with the Program Administrator over time adding or subtracting models as appropriate (e.g., removing them when they go out of production; adding new ones when they become ANSI-certified).

That approach would be acceptable, but the Agency notes that reliance on a separate published list may not be necessary given the provision in footnote 328 on page 115: "Eligible equipment will include any equipment listed on the Go Solar California equipment list (see: <http://www.gosolarcalifornia.ca.gov/equipment/index.php>); other equipment will be reviewed and considered on a case by case basis and may require additional documentation."

8. Per Plan 6.14.5, 6.15.5, and 6.16, please confirm that other than reviewing and responding to Annual Reports, the Program Administrator will have no responsibility to monitor actual kWh or REC production.

Monitoring of REC production will occur through the review of Annual Reports and coordination/verification of data with the utilities. Monitoring of kWh production will not be necessary.

9. **Attachment BB-** The RFP requires that bidders register to do business in the State of Illinois and provide a "Certificate of Good Standing" of Authorization to do Business in Illinois, as described in Attachment BB. We do not currently do business in the State of Illinois and are thus not required to be registered in Illinois. Given the requirements of this RFP, we have started the process of registering. However, the State of Illinois requires certified Articles of Incorporation updated within the last 90 days. As our articles of incorporation were updated less recently than 90 days, we are having those articles updated in the state of our incorporation. The process to update our certificate in the state of our incorporate will take 4-6 weeks. The State of Illinois process for registration takes a minimum of 2-3 weeks. Thus the total process to meet this requirement is expected to take 6-9 weeks. The bid is due in approximately three weeks. Given this, will it fulfill the requirements of Attachment BB and be deemed responsive if we submit with our bid documentation a certification and affidavit that we have initiated the process of registration to do business in the State of Illinois and intend to complete the process? If not, can you recommend an alternative process by which we can be deemed responsive for this requirement given that the time frames for processing are outside of our control and extend beyond the due date for this bid?

Given the short timeline to respond to this RFP, documentation and an affidavit demonstrating that the Offeror has applied to be registered to do business in Illinois would be acceptable. Completion of the

process by the selected Offeror (if not already certified) will be required before the Agency will enter into the contract to administer the program.

10. **Attachment CC**– Department of Human Rights Contract Number – The attachment states that Offerors must provide proof of having submitted a completed application for the Human Rights Contract Number prior to the “offer opening date”. Can you please define the offer opening date? Is that the deadline to submit the RFP response?

Yes, the “Offer opening date” is the deadline for submitting an RFP response.