

PROCUREMENT ANNOUNCEMENT

Distributed Generation Resources
Procurement Block 1

Issued by the Maine Public Utilities Commission
February 28, 2020

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Appendix D Standard Form Contract—Commercial or Industrial Resource

1. Background

The Maine Public Utilities Commission (Commission) is seeking competitive proposals for the procurement of the output from distributed generation resources in the State of Maine. This Procurement is being conducted pursuant to An Act To Promote Solar Energy Projects and Distributed Generation Resources in Maine and Chapter 312 of the Commission's rules.

This Procurement Announcement (PA) seeks proposals for Procurement Block 1.

During its 2019 session, the Legislature enacted An Act To Promote Solar Energy Projects and Distributed Generation Resources in Maine. P.L. 2019, Chapter 478 (Act). Part B of the Act created a distributed generation procurement process that requires the Commission to solicit long-term contract proposals for targeted amounts of energy, capacity and renewable energy credits (RECs) from developers of renewable distributed generation facilities of less than 5 MW. The Act directs the Commission to administer procurement processes for two Project Sectors for an aggregate amount of 125 MW for the commercial or institutional sector (C/I Project Sector) and 250 MW for the shared distributed generation sector (Shared DG sector), over five procurement rounds each with a target procurement amount of 20% of the aggregate target amount for each of the two Project Sectors.

Enel X North America, Inc. (Enel X) will administer this procurement in partnership with the Commission through its procurement website (Procurement Website) in accordance with this PA. The Enel X Procurement Website will also contain complete information about this PA and is available at: <http://www.dgprocurement.com/>

Please note that all questions about this Procurement must be submitted through the Enel X Procurement Website.

Bidders selected will enter into a contract with a Standard Buyer, specifically the Maine investor-owned transmission and distribution utilities (Central Maine Power Company (CMP), Emera Maine—Bangor Hydro District (EM-BHD) or Emera Maine-Maine Public District (EM-MPD) (collectively, T&D utilities)) in whose service territory or district the resource is located. A contract must be for a term of 20 years.

Additional information about this PA, including a copy of the Act, Chapter 312 of the Commission's rules and the Standard Form Contracts is available at: <https://www.maine.gov/mpuc/electricity/rfps/dg-procurement/>

The Standard Form Contracts approved by the Commission and the Order Establishing these Contracts are attached to this PA as Appendices B, C and D and incorporated into this PA as containing essential terms and conditions applicable to this Procurement. Potential Bidders should carefully review the provisions of these Contracts and clearly understand the rights and obligations created thereunder. As provided in Sections 6.7.1 and 7.7.1 of this PA, the Commission will consider only very limited modifications to these Contracts.

2. Procurement Block 1

2.1. General Information

Through this PA, the Commission is seeking proposals from qualified resources for Procurement Block 1. Specifically, the target amounts for Block 1 are: 25 MW in the C/I Project Sector and 50 MW in the Shared DG Sector. The Commission may select qualified bids in excess of the Block 1 target for the resource sector if the Commission determines that the incremental procurement amount is in the public interest.

Upon selection by the Commission, the project sponsor of each Project procured in Block 1 shall enter into a contract with the applicable standard buyer for a term of 20 years at a contract rate equal to the clearing price established for Block 1. The clearing price for Block 1 shall be the highest Bid Offer Rate accepted by the Commission for the applicable Block 1 Project Sector. The contract rate will be applied as a bill credit to the commercial or institutional customer or to the subscribers of a shared distributed generation resource, as applicable, in accordance with Chapter 312 and the standard form contract. For any unsubscribed output of a shared resource conveyed to the Standard Buyer, the Standard Buyer shall pay to the Project Sponsor any value the Standard Buyer received for such Output during the prior month as set forth in the Standard Form Contract—Shared Distributed Generation Resource attached to this PA as Appendix C.

2.2. Qualifying Resources

Consistent with Chapter 312 and the Act, to qualify for this procurement, a resource must be a distributed generation resource, which means a discrete electric generating facility with a nameplate capacity of less than five (5) megawatts that uses a renewable fuel or technology under 35-A M.R.S. section 3210, subsection 2, paragraph B-3 and is located in the service territory of an investor-owned transmission and distribution utility in the State.

A distributed generation resource participating in this procurement may not participate in customer net energy billing programs under Chapter 313 of the Commission's Rules or in the Request for Proposals for the Sale of Energy or Renewable Energy Credits from Qualifying Renewable Resources issued by the Commission on February 14, 2020.

A resource may participate in this procurement either as a Shared DG Resource or as a C/I Project Resource.

2.3. Contract Products

Pursuant to the Act, Chapter 312 and the Standard Form Contracts, selected Bidders will convey to the Standard Buyer all the output of a distributed generation resource, including energy, capacity, renewable energy certificates and all other environmental attributes and market products that are available or may become available from a distributed generation resource.

3. Schedule

The overall schedule for this Procurement Round 1 is shown below:

Procurement Announcement Issued	February 28, 2020
Bidder Qualification Submission Window Opens	February 28, 2020
Bidder Information Session--Webinar	March 4, 2020 at 2:00 PM EPT
Bidder Qualification Submission Window Closes	March 11, 2020 by 4:30 PM EPT
Bidder Qualification Remediation Notices Issued	March 19, 2020
Bidder Qualification Remediation Actions Due	March 26, 2020 by 4:30 PM EPT
Qualified Bidders Notices to Proceed Issued	April 2, 2020
Project Qualification Submission Window Opens	April 3, 2020
Project Qualification Submission Window Closes	April 17, 2020 by 4:30 PM EPT
Project Qualification Remediation Notices Issued	May 5, 2020
Project Qualification Remediation Actions Due	May 13, 2020 by 4:30 PM EPT
Qualified Projects Notices to Proceed Issued	June 5, 2020
Financial Security Due	June 11, 2020 by 3:30 PM EPT
Confirmation of Receipt of Financial Security Issued	June 17, 2020
Final Bidder Approval Issued	June 22, 2020
Bid Offer Rate Submission Window Opens	July 1, 2020 at 10:00 AM EPT
Bid Offer Rate Submission Window Closes	July 30, 2020 at 4:00 PM EPT
Notice of Award and Clearing Price Issued	August 31, 2020

4. Procurement Process and Overview

4.1. Procurement Process Independent Administrator

Enel X will aid in administering a structured procurement event through its Procurement Website on the Commission's behalf in accordance with this PA. Enel X will support Bidders throughout the procurement process and ensure that Bidders are able to access all relevant procurement materials.

4.2. Procurement Website

Enel X will host a Procurement Website on its Procurement Platform that will store all procurement documentation and information in a central location. During the initial stage of the procurement process, the Procurement Website will be publicly accessible to all interested parties without requiring a username or password. Following the Bidder Qualification phase, the Procurement Website will become password-protected and all pre-qualified Bidders will receive login credentials to access the secure Procurement Website.

The public side of the Procurement Website is available here:

<http://www.dgprocurement.com/>

Bidder and Project Qualification submissions must be submitted by email to dgprocurement.enelxnorthamerica@enel.com and the Bid Offer Rate must be submitted via the Procurement Platform in accordance with the overall schedule in this PA and as posted on the Procurement Website. Potential Bidders interested in participating in this procurement must submit all materials to Enel X by the deadlines posted on the Procurement Website and follow the instructions detailed on the Procurement Website.

This PA, additional documentation related to it, and additional information regarding the procurement, including, but not limited to, the structure, format, and timing of the procurement and bidding instructions, shall be posted on the Procurement Website. The Commission and/or Enel X shall not be liable to a Bidder for any consequences arising out of or relating to a Bidder's use of outdated information. Bidders are encouraged to check the Procurement Website frequently to ensure that they have the latest documentation and information.

4.3. Bidder Webinar

A webinar to assist Bidders in the use of the Enel X Procurement platform will be held on **March 4, 2020 at 2:00 PM EPT**. Interested parties may register for the webinar by clicking the following link:

<https://enernoc.webex.com/enernoc/onstage/g.php?MTID=e6a345f22ef5b535584bc5f21ec3ae8cc>

During the webinar, the Commission and Enel X will review the PA and discuss various procurement program participation requirements. The Commission and Enel X will not be fielding or answering questions during the webinar. All questions submitted to the Procurement Email Address (see Section 4.6 of this PA) related to the webinar will be recorded and addressed in the release of subsequent Questions and Answers documents posted to the Procurement Website.

A recording of the webinar will be uploaded to the Procurement Website within one business day of the webinar for parties unable to attend the webinar live.

4.4. Qualification Phase Overview

To be eligible to submit a Bid Offer Rate proposal beginning on July 1, 2020, potential Bidders must comply with a two-step qualification process that consists of a Bidder Qualification phase as described in Section 5 of this PA, followed by a Project Qualification phase as described in Sections 6 (Shared DG Resources) and 7 (C/I Resources) of this PA and on the Procurement Website.

Non-refundable Application Fees are due and payable for the Bidder Qualification and Project Qualification phases pursuant to Sections 5.3, 6.4 and 7.4 of this PA.

Upon completion of the Project Qualification phase and receipt of a Project Notice to Proceed, Projects intending to submit a Bid Offer Rate will be required to submit a Financial Security Deposit. The Financial Security Deposit is refundable in the event a Project is not selected by the Commission in this Procurement Round. For Projects selected by the Commission, the Financial Security Deposit may be carried forward and applied to any required project assurance.

The amount of the Financial Security Deposit required will be determined by the Commission and communicated to Bidders through the Procurement Website by the commencement of the Project Qualification phase.

4.5. Bid Offer Rate Submission Summary

Following the communication of Final Notices to Proceed, qualified Projects will be provided with detailed Bid Offer Rate submittal instructions. Enel X will also make available individual training sessions covering the Bid Offer Rate submission process to all qualified Projects.

Beginning on July 1, 2020, Projects will be able to submit Bid Offer Rates in the applicable C/I or Shared DG Resource Sector(s).

4.6. Questions

All questions regarding this PA must be submitted to the Procurement Email Address: dgprocurement.enelxnorthamerica@enel.com. All questions and answers of a non-trivial nature will be made anonymous and posted on Enel X's Procurement Website on a periodic basis.

5. Bidder Qualification Phase

5.1. Information Requirements

Bidders must be qualified and meet all requirements outlined in this PA and/or communicated by Enel X to participate in this Procurement Round. Bidders must demonstrate sufficient technical and financial capability to qualify for this procurement. The determination of sufficiency in these regards will be made by the Commission with the assistance of Enel X.

To seek qualification, potential Bidders must submit a fully completed Bidder Qualification Application, including Forms 1-5, and provide the non-refundable Bidder Application Fee.

5.2. Registration Process

For any Bidder that intends to submit a Shared DG Resource Project in the Project Qualification phase, that Bidder must have completed the Registration Form for Distributed Generation (DG)/Net Energy Billing (NEB) Project Sponsors and Related Entities available at:

<https://appengine.egov.com/apps/me/renewableenergy>

5.3. Bidder Application Fee

5.3.1. Amount

The non-refundable Bidder Application Fee is \$250 per Bidder.

5.3.2. Payment of Application Fee

The non-refundable Bidder Application Fee must be paid by **Cashier's Check** made payable to **Treasurer, State of Maine** and mailed or delivered to the attention of:

Harry Lanphear
Administrative Director
Maine Public Utilities Commission
18 State House Station
Augusta, ME 04333-0018

Bidders must include the completed Bidder Remittance Form (available on the Procurement website) with payment of the Bidder Application Fee. The Bidder Application Fee and Bidder Remittance Form must be submitted to the Commission within three (3) business days of submitting the Bidder Qualification Application. Within two (2) business days of the Commission receiving the Bidder Application Fee and Bidder Remittance Form, Enel X will

confirm receipt of funds with the submitting Bidder. Bidders that do not pay the Bidder Application Fee in full by the remittance deadline will be disqualified from further participation in this Procurement Round.

5.4. Bidder Notice to Proceed

Bidders who meet the requirements for the Bidder Qualification Phase will receive a Bidder Notice to Proceed via email from Enel X. The Bidder Notice to Proceed will contain detailed information regarding the next steps within the procurement process and instructions related to proceeding through the Project Qualification phase.

6. Project Qualification Phase—Shared DG Resource

This Section 6 applies to the Project Qualification requirements and procedures for Projects wishing to participate in this procurement as a **Shared DG Resource**. Requirements and procedures for Projects wishing to participate as a C/I Project Resource are contained in Section 7.

6.1. Requirements

Projects must be qualified and meet all requirements outlined in this PA and communicated by Enel X in order to submit a Bid Offer Rate.

To qualify, Projects must submit a fully completed Project Qualification Application, including all supporting documentation to show how each Project meets or exceeds minimum requirements. Additionally, a non-refundable application fee must be submitted on behalf of each proposed Project.

6.2. Minimum Requirements for Qualification

To be qualified to submit a Bid Offer Rate in accordance with Section 9 of this PA, a Shared DG Resource Project must meet the following requirements:

1. Demonstration of site control;
2. A fully executed interconnection service agreement with an investor-owned transmission and distribution utility;
3. Demonstration that all required federal, state and local approvals and nonministerial permits for the project have been obtained. For the purposes of this paragraph, “nonministerial permit” means a permit for which one or more officials consider various factors and exercise discretion in deciding whether to issue or deny the permit;
4. Demonstration of the capacity to make a Financial Assurance deposit at the time a contract is signed;
5. Demonstration of experience fulfilling the obligations to subscribers of shared distributed generation resources.

6.3. Project Qualification Application

The Project Qualification Application for Shared DG Resources, including all required supporting materials and submission instructions, will be made available on the Procurement Website prior to the commencement of the Project Qualification phase.

6.4. Project Application Fee

6.4.1. Amount

The non-refundable Project Application Fee is \$150 per Project.

6.4.2. Payment of Application Fee

The non-refundable Project Application Fee must be paid by **Cashier's Check** made payable to **Treasurer, State of Maine** and mailed or delivered to the attention of:

Harry Lanphear
Administrative Director
Maine Public Utilities Commission
18 State House Station
Augusta, ME 04333-0018

Projects must include the completed Project Remittance Form (which will be made available on the Procurement Website prior to the commencement of the Project Qualification phase.) with payment of the Project Application Fee and submit the Project Application Fee and Project Remittance Form within three (3) business days of submitting the Project Qualification Application. Within two business days of the Commission receiving submitted Project Application Fees, Enel X will confirm receipt of funds with the submitting Project. Projects that do not pay the Project Application Fee in full by the remittance deadline will be disqualified from further participation in this Procurement Round.

6.5. Project Notice to Proceed

Projects who meet the requirements for the Project Qualification Phase will receive a Project Notice to Proceed via email from Enel X. The Project Notice to Proceed will contain detailed information regarding the next steps within the procurement process and instructions related to the process and requirements for submission of the Financial Security Deposit and Bid Offer Rate.

6.6. Project Attributes and Verification Requirements

As detailed in Section 11 and Appendix A, Projects will be evaluated based on both the proposed pricing and certain project attributes. Projects are not required to have or claim any of the attributes listed in Appendix A to participate in this Procurement. Projects may claim all attributes for which they are eligible.

Projects must demonstrate that it qualifies for the attribute(s) claimed. All attribute verification must be completed and submitted during the Project Qualification phase. Appendix A lists the acceptable form of documentation required for verification of each attribute. The Commission reserves the right to request supplemental information from the Project or from the verifying entity as provided in Appendix A.

6.7. Standard Contracts

6.7.1. Proposed Modifications

The Standard Contract applicable to shared distributed generation projects is available as Appendix C to this PA. Pursuant to 35-A M.R.S. § 3484(7), all contracts governing distributed generation projects must be substantially identical to the extent commercially reasonable. In the event proposed modifications indicate that a correction or modification to the Standard Contract is required, the Commission will indicate the required revisions via email from Enel X to all qualified Bidders. Other than modifications required to conform the specific information related to a proposed Project, the Commission will only consider proposed modifications to the following sections of the standard contract for shared distributed generation projects:

Subsection 3.2(a) allows the Project Sponsor to elect to collect amounts that its Subscribers owe to it directly from the Subscribers. Alternatively, the Project Sponsor may elect to have the Standard Buyer collect from Subscribers the amounts owed to Project Sponsor. The Standard Contract may be modified to reflect which payment arrangement the Project Sponsor has chosen with respect to collection from its Subscribers.

Article IV of the Standard Contract sets forth the parties' obligations with respect to participation in the wholesale energy markets. Subsection 4.2 allows the Project Sponsor to elect to have the Standard Buyer serve as the Lead Market Participant (LMP) and Lead Asset Owner for the Distributed Generation Resource and assume all associated reporting and market settlement obligations. If the Project Sponsor chooses this approach, the provisions contained in subsection 4.2(a) will apply. This subsection allows the Standard Buyer to choose to qualify the resource into the Forward Capacity Market (FCM) or as a Settlement-Only Generator. Alternatively, subsection 4.2(b) will apply if the Project Sponsor elects to function as the LMP, in which case the Project Sponsor may elect a Buyout Option to retain rights for capacity and to participate

in the wholesale energy markets. The Standard Contract provides that to the extent that NMISA market obligations are distinct from the ISO-NE obligations described, the parties may modify the agreement to reflect these differences.

Projects must submit any proposed modifications to subsections 3.2 and 4.2 of the Shared Distributed Generation contract for approval as part of the Project Qualification materials.

Parties seeking modifications to any other provision of the Standard Contract must submit those proposed modifications as part of the Project Qualification materials. The Commission reserves the right to reject any proposed contract modifications as non-conforming but may provide an opportunity to remediate the proposed changes via email from Enel X. In addition, Parties seeking modifications to any other provision of the Standard Contract do so at the risk of delaying the commencement of the Shared Distributed Generation contract.

6.7.2. Milestones

Subsection 3.3(a) of the Standard Contract for a Shared Distributed Generation project requires the attachment of Exhibit B, which is the Interconnection Agreement between the parties. Subsection 5.2(b) of the Standard Contract requires the attachment of Exhibit C, which is a list of Project Milestones. The parties must adhere to the milestones set forth in these exhibits, which will be incorporated into the contract.

Projects must provide the proposed Exhibit C Project Milestones as part of the Project Qualification materials.

7. Project Qualification Phase—Commercial or Industrial Resource

This Section 7 applies to the Project Qualification requirements and procedures for Projects wishing to participate in this procurement as a **C/I Project Resource**. Requirements and procedures for Projects wishing to participate as a Shared DG Resource are contained in Section 6.

7.1. Requirements

Projects must be qualified and meet all requirements outlined in this PA and communicated by Enel X in order to submit a Bid Offer Rate.

To qualify, Projects must submit a fully completed Project Qualification Application, including all supporting documentation to show how each Project meets or exceeds minimum requirements. Additionally, a non-refundable application fee must be submitted on behalf of each proposed Project.

7.2. Minimum Requirements for Qualification

To be qualified to submit a Bid Offer Rate in accordance with Section 9 of this PA, a Project must meet the following requirements:

1. Demonstration of site control;
2. A fully executed interconnection service agreement with an investor-owned transmission and distribution utility;
3. Demonstration that all required federal, state and local approvals and nonministerial permits for the project have been obtained. For the purposes of this paragraph, “nonministerial permit” means a permit for which one or more officials consider various factors and exercise discretion in deciding whether to issue or deny the permit;
4. Demonstration of the capacity to make a Financial Assurance deposit at the time a contract is signed;
5. If a participating commercial or institutional customer is not the party making the bid, an agreement from a customer that would receive bill credits associated with the project.

7.3. Project Qualification Application

The Project Qualification Application for C/I Project Sectors, including all required supporting materials and submission instructions, will be made available on the Procurement Website prior to the commencement of the Project Qualification phase.

7.4. Project Application Fee

7.4.1. Amount

The non-refundable Project Application Fee is \$150 per Project.

7.4.2. Payment of Application Fee

The non-refundable Project Application Fee must be paid by **Cashier’s Check** made payable to **Treasurer, State of Maine** and mailed or delivered to the attention of:

Harry Lanphear
Administrative Director
Maine Public Utilities Commission
18 State House Station
Augusta, ME 04333-0018

Projects must include the completed Project Remittance Form (which will be made available on the Procurement Website prior to the commencement of the Project Qualification phase) with payment of the Project Application Fee and submit the Project Application Fee and Project Remittance Form within

three (3) business days of submitting the Project Qualification Application. Within two (2) business days of the Commission receiving submitted Project Application fees, Enel X will confirm receipt of funds with the submitting Project. Projects that do not pay the Project Application Fee in full by the remittance deadline will be disqualified from further participation in this Procurement Round.

7.5. Project Notice to Proceed

Projects who meet the requirements for the Project Qualification phase will receive a Project Notice to Proceed via email from Enel X. The Project Notice to Proceed will contain detailed information regarding the next steps within the procurement process and instructions related to the process and requirements for submission of the Financial Security Deposit and Bid Offer Rate.

7.6. Attributes and Verification Requirements

As detailed in Section 11 and Appendix A, Projects will be evaluated based on both the proposed pricing and certain project attributes. Projects are not required to have or claim any of the attributes listed in Appendix A to participate in this Procurement. Projects may claim all attributes for which they are eligible.

Projects must demonstrate that it qualifies for the attribute(s) claimed. All attribute verification must be completed and submitted during the Project Qualification phase. Appendix A lists the acceptable form of documentation required for verification of each attribute. The Commission reserves the right to request supplemental information from the Project or from the verifying entity as provided in Appendix A.

7.7. Standard Contracts

7.7.1. Proposed Modifications

The Standard Contract applicable to commercial and industrial projects is available as Appendix D to this PA. Pursuant to 35-A M.R.S. § 3484(7), all contracts governing distributed generation projects must be substantially identical to the extent commercially reasonable. In the event proposed modifications indicate that a correction or modification to the Standard Contract is required, the Commission will indicate the required revisions via email from Enel X to all qualified Bidders. Other than modifications required to conform the specific information related to a proposed Project, the Commission will only consider proposed modifications to the following sections of the standard contract for commercial and industrial distributed generation projects.

Article IV of the Standard Contract sets forth the parties' obligations with respect to participation in the wholesale energy markets. Subsection 4.2 allows the Project Sponsor to elect to have the Standard Buyer serve as the Lead Market Participant (LMP) and Lead Asset Owner for the Distributed Generation

Resource and assume all associated reporting and market settlement obligations. If the Project Sponsor chooses this approach, the provisions contained in subsection 4.2(a) will apply. This subsection allows the Standard Buyer to choose to qualify the resource into the Forward Capacity Market (FCM) or as a Settlement-Only Generator. Alternatively, subsection 4.2(b) will apply if the Project Sponsor elects to function as the LMP, in which case the Project Sponsor may elect a Buyout Option to retain rights for capacity and to participate in the wholesale energy markets. The Standard Contract provides that to the extent that NMISA market obligations are distinct from the ISO-NE obligations described, the parties may modify the agreement to reflect these differences.

Subsection 5.3 allows the Project Sponsor to elect for distribution of bill credits to secondary accounts using a percent allocation or on a cascading basis. The Project Sponsor is required to provide information in the form of an exhibit directing how the payments to secondary accounts will be allocated or prioritized depending on which approach the Project Sponsor chooses.

Projects must submit any proposed modifications to subsections 4.2 and 5.3 of the C/I Generation contract as part of the Project Qualification materials.

Parties seeking modifications to any other provision of the Standard Contract must submit those proposed modifications as part of the Project Qualification materials. The Commission reserves the right to reject any proposed contract modifications as non-conforming but may provide an opportunity to remediate the proposed changes via email from Enel X. In addition, Parties seeking modifications to any other provision of the Standard Contract do so at the risk of delaying the commencement of the C/I Generation contract.

7.7.2. Milestones

Subsection 3.3(a) of the Standard Contract for a Commercial or Industrial Customer Distributed Generation project requires the attachment of Exhibit B, which is the Interconnection Agreement between the parties. Subsection 5.2(b) of the Standard Contract requires the attachment of Exhibit C, which is a list of Project Milestones. The parties must adhere to the milestones set forth in these exhibits, which are incorporated into the contract.

Projects must provide the proposed Exhibit C Project Milestones as part of the Project Qualification materials.

8. Financial Security Deposit and Final Notice to Proceed

8.1. Financial Security Deposit

Upon completion of the Project Qualification phase and receipt of a Project Notice to Proceed, Projects intending to submit a Bid Offer Rate will be required to submit a Financial Security Deposit. The Financial Security Deposit is refundable in the event a Project is not selected by the Commission in this Procurement Round.

For Projects selected by the Commission, the Financial Security Deposit may be carried forward and applied to any required Project Assurance as required in the Commission's Notice of Awards (see Section 12 of this PA).

8.1.1. Amount

The amount of the Financial Security Deposit required will be determined by the Commission and communicated to Bidders by the commencement of the Project Qualification phase.

8.1.2. How to Submit

Financial Security Deposits will be remitted to, and collected by, the Maine T&D utilities. Qualified Bidders with Qualified Project(s) will receive detailed instruction on how to submit required Financial Security Deposit(s).

8.2. Final Notice to Proceed

Qualified Bidders with Qualified Project(s) that have completed all relevant participation requirements will be issued a Final Notice to Proceed via email from Enel X. The Final Notice to Proceed will contain detailed information regarding the submission of Bid Offer Rates within the Enel X Procurement Platform.

8.3. Enel X Procurement Platform Bidding Permissions

Projects that receive a Final Notice to Proceed will be granted executable bidding permissions within the Enel X Procurement Platform and receive access to one or both procurement Resource Sectors (C/I or Shared DG) depending on the nature of their approved Project(s).

9. Bid Offer Rate Submission

9.1. Enel X Procurement Platform Tutorials and Training

All Projects which receive a Final Notice to Proceed in accordance with Section 8.2 will be provided a comprehensive tutorial on the Bid Offer Rate submission process. The tutorial will detail the bid offer submission process and requirements and provide step-by-step instructions.

Optional training on the use of the Procurement Platform will be provided only to Projects that receive a Final Notice to Proceed. Requests for a training session may be made by contacting Enel X via the procurement email address: dgprocurement.enelxnorthamerica@enel.com

9.2. Time Stamp, Changes to Submitted Bid, Cancellation of Bid

All Bid Offer Rates submitted during the bidding window set forth in this PA are time stamped by the Enel X Procurement Platform. Projects may cancel or change their Bid Offer Rate at their discretion until the bidding window closes. It is important to note that any modifications to an existing Bid Offer Rate will result in a new time and date stamp for that bid. Canceling and re-entering a bid also results in a new time and date stamp for the bid. All bids on the Procurement Platform at the close of the Bid Offer Rate submission window (July 30, 2020 at 4:00 PM EPT) will be firm and final bids and will be binding on the Bidder.

10. Standards for Ensuring Competition

As soon as practicable after the Bid Offer Rate submission window closes on July 30, 2020, the Commission will evaluate whether this Procurement Round 1 is sufficiently competitive. In evaluating the competitiveness of the procurement, the Commission will consider factors including, but not limited to, the following matters:

1. The number of unique bidders and projects that were qualified in this procurement round;
2. The number of unique bidders, projects and total MW of capacity that actually submitted a Bid Offer Rate;
3. The number and characteristics of Bidders who submitted a Bidder Qualification Application but did not receive a notice to proceed to the Project Qualification phase and the reasons why;
4. The number and characteristics of Projects who submitted a Project Qualification Application but did not receive a notice to proceed to submit a Bid Offer Rate and the reasons why;
5. The pattern and level of Bid Offer Rate submissions throughout the time period the Bid Offer Rate Submission Window is open;
6. The status of the interconnection queue for the T&D utilities;
7. The status and other information with regard to Maine Department of Environmental Protection or other agency permitting processes;
8. Other factors that the Commission Staff or Enel X deems relevant to the Commission's consideration of competitiveness of the procurement.

The Commission shall evaluate the competitiveness of the procurement round overall and by Resource Sector. If the Commission concludes that the procurement is not sufficiently competitive overall or by sector, the Commission may procure an amount that is less than the procurement target overall or by sector, including not procuring any amounts overall or in either sector.

11. Evaluation and Selection

11.1. Pricing Attribute

The Commission shall evaluate the Bid Offer Rate for Projects located on previously developed or impacted land at 90% of the submitted Bid Offer Rate (referred to herein as the Adjusted Bid Offer Rate). For the purposes of this adjustment to the Bid Offer Rate, “previously developed or impacted land” means areas covered by impervious surfaces, capped landfills or brownfield sites as defined by the Maine Department of Environmental Protection. See Appendix A for more information about this attribute and methods for verification.

11.2. Evaluation Methodology

Bids will be evaluated based on the Bid Offer Rate or, as applicable, the Adjusted Bid Offer Rate, and verified project attributes described in Sections 6.6 and 7.6 and Appendix A. The Bid Offer Rate or, as applicable, the Adjusted Bid Offer Rate, will account for 90% of the Project’s total score (up to a maximum of 90 points) and the project attributes will account for 10% of the total score (up to a maximum of 10 points).

The **bid offer rate score** will be determined based on the following mathematical formula.

- The lowest Bid Offer Rate, after any applicable adjustment for the pricing attribute as described in Section 11.1, will be assigned 90 points.
- The Bid Offer Rate score for all other bids will be calculated as follows: (lowest Bid Offer Rate (after any applicable adjustment)) / Bid Offer Rate (after any applicable adjustment) of the proposal being scored) x (90) = bid offer rate score

By way of example, if the lowest Bid Offer Rate (after any applicable adjustment) is \$50 and the Bid Offer Rate (after any applicable adjustment) of the proposal being scored is \$100, the proposal being scored would be awarded 45 points: $(\$50 / \$100) \times 90 = 45$.

The **attribute score** will also be determined based on a mathematical formula.

- The proposal(s) with the greatest number of scoring attributes will be assigned 10 points.
- The attribute score for all other bids will be calculated as follows: (number of claimed attributes for the proposal being scored / number of attributes claimed by proposal(s) with the greatest number of attributes) x (10) = attribute score

By way of example, if the maximum number of attributes claimed by a proposal is 6, and the proposal being scored claimed 3 attributes, the proposal being scored would be awarded 5 points: $(3 / 6) \times 10 = 5$.

The **total score** for each bid is the sum of the bid offer rate score and the attribute score. The bids with the highest total score will be selected, up to the procurement target quantity for each of the two Project Sectors (as may be adjusted pursuant to the Act, Chapter 312 of Commission rules and this PA).

11.3. Other

In the event there are multiple bids at the same offer rate that would cause the Block 1 procurement target for a Project Sector to be exceeded, the Commission shall give preference to the qualified bid or bids that minimize the cost to the standard buyers or, if there is no difference to cost, to the bid that was submitted first. For the purposes of determining which bid was submitted first, the Commission will use the date and time the final, binding bid was submitted as recorded by the Enel X Procurement Platform.

The Commission may select qualified bids in excess of the Block 1 procurement target for a Project Sector if the Commission determines that the incremental procurement is in the public interest. If the Commission concludes that a solicitation is not competitive, as described in Section 10, the Commission may reduce the target procurement quantity to produce the greatest quantity that may be procured in a competitive manner, up to and including selecting no bids.

12. Commission Award and Contracting

12.1. Commission Notice of Awards

Pursuant to Section 4 of this PA, the Commission will issue its Notice of Awards no later than August 31, 2020. The Notice of Awards will include the awarded contract price for each resource sector, and the name, sponsor, size and location of each selected Project. In addition, for each selected Project, the Commission will establish the amount of the Financial Assurance required.

12.2. Contract Execution

Section 3484(7) of Title 35-A requires qualified Projects to be commercially operable within 18 months of being awarded contracts. To ensure compliance with this statutory timeframe, the Standard Buyer(s) must enter into contracts with qualified Projects within thirty (30) days of the date of the Notice of Awards. The Commission may extend this date for good cause. Parties seeking modification of the contracts, as set forth in sections 6.7 and 7.7 of this PA must submit proposed modifications as part of the Project Qualification Application.

12.3. Filing of Executed Contact

The Standard Buyer shall file executed copies of contracts in the Commission's case management system (CMS) in Docket No. 2020-00014 within five (5) business days of the date of contract execution.

12.4. Release of Financial Security Deposit

For Projects who are awarded a contract, the Financial Security Deposit submitted by a Bidder in accordance with section 8 of this PA may serve as partial payment of the Financial Assurance required at the execution of the contract between the Standard Buyer and the Project Sponsor.

If the amount of Financial Assurance required for the contract is greater than the amount of the Financial Security Deposit, the Project Sponsor must remit additional payment to the Standard Buyer to cover the full amount of the Financial Assurance required for the contract.

For Projects who are not awarded a contract, the Financial Security Deposit will be released and returned to them within ten (10) business days of the Commission's Notice of Contract Awards.

13. Terms and Conditions

13.1. Proposals

Proposals are binding on the Bidder and/or Project and must be submitted in accordance with this PA or as otherwise specified by the Commission or Enel X. The Commission and Enel X reserve the right to seek clarification and request from Bidders, Projects or other relevant entities additional information, documentation and other material related to the proposals. Failure to provide any such items within the timeframes requested may result in disqualification.

13.2. Proprietary Information

A Bidder and/or Project may designate information included in its proposal as proprietary or confidential information. The Commission will take every reasonable step, consistent with law, to protect information that is clearly identified as proprietary or confidential on the page on which it appears. Protected information may be made available to the T&D utilities, the Department of Environmental Protection, the Department of Agriculture, Conservation and Forestry, the Land Use Planning Commission, or the Department of Inland Fisheries and Wildlife. The identity of Bidders and Projects, and the associated prices and contracts, for proposals chosen in this process will become public information.

13.3. Proposal Costs

All costs associated with developing and submitting a proposal in response to this PA and providing oral or written clarification of its contents are borne by the Bidder and/or Project.

13.4. Rights of the Commission

The Commission may accept or reject any proposal, or it may reject all proposals, based on its assessment of whether a proposal meets the requirements of the PA, satisfies the applicable statutory policies and objectives, is within the contracting authority of the Commission, and conforms with generally accepted business practices. The Commission reserves the right to withdraw or modify the Procurement Announcement at any time. The awards made pursuant to this Procurement Announcement will be determined by the Commission consistent with applicable laws and rules, the provisions of this Procurement Announcement and the Commission's statutory public interest obligations. The Commission and Enel X shall not be responsible or liable in any manner for risks, costs, expenses, or other damages incurred by any Bidder and/or Project or other entity involved, directly or indirectly, with this Procurement.

13.5. State Held Harmless

The State of Maine, its officers, agents, and employees, including the Maine Public Utilities Commission, Commissioners and the employees or agents of the Maine Public Utilities Commission shall be held harmless from any and all claims, costs, expenses, injuries, liabilities, losses and damages of every kind and description resulting from or arising out of this PA.

13.6. Warranty

The information contained in the PA and provided subsequently is prepared to assist Bidders and Projects and does not purport to contain all of the information that may be relevant to Bidders or Projects. The Commission makes no representation or warranty, expressed or implied, as to the accuracy or completeness of the information. The Commission, its staff and its agents shall not have any liability for any representations expressed or implied in, or any omissions from, the PA or information obtained by Bidders or Projects from the Commission, its staff, its agents or any other source.