

PROCUREMENT ANNOUNCEMENT

Distributed Generation Resources
Procurement Block 1

ADDENDUM 1

Issued by the Maine Public Utilities Commission
April 2, 2020

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1. Background

On February 28, 2020 the Maine Public Utilities Commission (Commission) issued a Procurement Announcement (PA) seeking competitive proposals for the procurement of the output from distributed generation resources in the State of Maine.

This Addendum to the PA (Addendum) provides additional information relevant to the Project Qualification Phase as described in Sections 6 and 7 of the PA.

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

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.

Information regarding this procurement is available at the Commission's web site at: <https://www.maine.gov/mpuc/electricity/rfps/dg-procurement/> and at the Enel X procurement website at: <http://www.dgprocurement.com/>

Please note that all questions about this Procurement must be submitted through the Procurement Email Address: dgprocurement.enelxnorthamerica@enel.com

2. Project Application Fee

As provided in Sections 6.4 and 7.4 of the PA, non-refundable Application Fees are due and payable for the Project Qualification phase.

2.1. Amount

The non-refundable Project Application Fee is \$150 for each Project that submits a Project Qualification Application.

2.2. 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 sent to one of the following addresses:

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

Physical: Maine Public Utilities Commission
Attn: Harry Lanphear, Administrative Director
101 Second Street
Hallowell, ME 04347

Submissions being sent by services requiring physical delivery (UPS, FedEx, DHL, etc.) should use the “Physical” address listed above. Submissions being sent by US mail may use the “Mailing” address listed above.

Projects must include the completed Project Remittance Form (which is available on the Procurement Website) 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.

3. Minimum Requirements—Revised Schedule

Sections 6.2 and 7.2 of the PA establish the Minimum Requirements for Qualification, including a demonstration that all required federal, state and local approvals and nonministerial permits for the project have been obtained. By Procedural Order issued on March 27, 2020 in Commission Docket No. 2020-00014, the Commission modified the schedule for demonstrating that permits have been obtained to allow:

- (1) A bidder to submit all required nonministerial permits or a **copy of an application for each required permit that has been filed with the applicable permitting entity by April 17, 2020**, which is the date the Project Qualification Window closes, provided that;
- (2) A bidder must submit all final nonministerial permits by June 11, 2020.

4. Demonstration of Site Control

Sections 6.2 and 7.2 of the PA establish the Minimum Requirements for Qualification, including demonstration of site control. Projects must submit documentation demonstrating that they have legally enforceable rights and/or authority to construct and operate the Project at the location specified in the Project Qualification Application.

Examples of acceptable documentation include, but are not limited to, a deed, purchase and sales agreement, an exclusive lease option; or another exclusive agreement or business arrangement between the project developer and the entity having the right to sell, lease or grant the right to possess or occupy the site. Letters of intent or other agreements indicating further discussions, negotiations or contingencies that indicate that site control may not have been finalized are not acceptable for demonstrating site control.

5. Financial Security Deposit

As provided in Section 8 of the Procurement Announcement:

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 Financial Assurance as required in the Commission's Notice of Awards.

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.

No interest or carrying costs will be accrued on or paid to Bidders on the Financial Security Deposit.

5.1. Amount

The amount of the Financial Security Deposit is \$5.00/kW of the Project's nameplate capacity. The aggregate amount of Financial Security that must be provided by any individual Qualified Bidder is capped at \$125,000. For example, if an individual Qualified Bidder submits Project Applications for three (3) projects of 5 MW each, the aggregate required Financial Security Deposit is \$75,000. If an individual Qualified Bidder submits Project Applications for five (5) projects of 5 MW each, the aggregate required Financial Security Deposit is \$125,000. If an individual Qualified Bidder submits Project Applications for six (6) projects of 5 MW each, the aggregate required Financial Security Deposit is \$125,000.

5.2. 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 instructions on how to submit required Financial Security Deposits by email from Enel X.

5.3. Acceptable Forms

Acceptable forms of Financial Security Deposits are: (1) cash (U.S. currency); or (2) an irrevocable, transferable and unconditional standby letter of credit issued by a U.S. commercial bank or a foreign bank with a U.S. branch with such bank having a minimum credit rating of A- from S&P or A3 from Moody's. No other forms of Financial Security Deposits will be accepted.

6. Capacity to Make Financial Assurance Deposit

Sections 6.2 and 7.2 of the PA establish the Minimum Requirements for Qualification, including “demonstration of the capacity to make a Financial Assurance deposit at the time a contract is signed.” The Commission will consider any Project that has met the Financial Security Deposit requirements as provided in Section 5 of this Addendum to have met the requirement to demonstrate capacity to make a Financial Assurance deposit.

As noted in Section 12.1 of the PA, the Commission’s Notice of Awards will establish the amount of Financial Assurance required for each selected Project and the Financial Security Deposit may be carried forward and applied to the Financial Assurance requirement.

Acceptable forms of Financial Assurance are: (1) cash (U.S. currency); or (2) an irrevocable, transferable and unconditional standby letter of credit issued by a U.S. commercial bank or a foreign bank with a U.S. branch with such bank having a minimum credit rating of A- from S&P or A3 from Moody’s. No other forms of Financial Assurance will be accepted.

7. Siting Attributes—Forms of Affidavits

As noted in Section 11 of the PA, bids will be evaluated based on the Bid Offer Rate and verified project attributes described in Sections 6.6 and 7.6 and Appendix A of the PA. Certain of the attributes (7, 8 and 9) require that the project application include an affidavit verifying the attribute. Attached to this Addendum are the forms of affidavits required for each of these attributes.

Addendum Appendix	Attribute Number	Form of Affidavit
A	7	Forester Affidavit
B	8	Project Developer Affidavit--Dual Use Agricultural
C	8	Land Owner/Operator Affidavit--Dual Use Agricultural
D	9	Soil Scientist Affidavit

Please note that Projects claiming Attribute 8, Dual Use Agricultural, must submit an affidavit from the project developer **and** an affidavit from the land owner/operator.

Completed affidavits should be submitted with the Project Qualification Application form no later than April 17, 2020.