



**January 31, 2018**

**NOTICE OF REQUEST FOR PROPOSALS FROM PRIVATE DEVELOPERS  
FOR CLEAN ENERGY**

**INTRODUCTION**

Pursuant to Section 8 of Public Act 13-303, *An Act Concerning Connecticut's Clean Energy Goals*, as amended by Section 10 of Public Act 17-144, *An Act Promoting the Use of Fuel Cells for Electric Distribution System Benefits and Reliability and Amending Various Energy-Related Programs and Requirements*, the "Procurement Statute" (Appendix F),<sup>1</sup> and in recognition of the Massachusetts "Request for Proposals for Long-Term Contracts for Offshore Wind Energy Projects" pursuant to Massachusetts Section 83C of Chapter 169 of the Acts of 2008, as amended, in order to maximize efficiencies, the Department of Energy and Environmental Protection ("DEEP" or "Department") is issuing this Request for Proposals ("RFP") to solicit offers for the following Connecticut Class I renewable energy sources ("Class I"):<sup>2</sup> offshore wind, fuel cell, and anaerobic digestion, to secure cost-effective resources consistent with the state's energy and environmental goals and policies established in the Integrated Resources Plan and Comprehensive Energy Strategy.<sup>3</sup>

**I. OVERVIEW**

**1.1 ORGANIZATIONAL STRUCTURE**

The organizational structure for this RFP is as follows:

The Evaluation Team will receive the bids, including confidential materials, and conduct an evaluation and ranking of the bids. The Evaluation Team consists of DEEP, the Connecticut Procurement Manager,<sup>4</sup> the Connecticut Office of Consumer Counsel ("OCC"), the Connecticut Office of the Attorney General ("AG"), The United Illuminating Company ("UI"), and Eversource Energy ("Eversource"). DEEP will also engage

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<sup>1</sup> Conn. Gen. Stat. § 16a-3h, as amended.

<sup>2</sup> Conn. Gen. Stat. § 16-1.

<sup>3</sup> Connecticut Department of Energy and Environmental Protection, 2014 Integrated Resources Plan for Connecticut. December 11, 2014. [http://www.ct.gov/deep/lib/deep/energy/irp/2014\\_irp\\_final.pdf](http://www.ct.gov/deep/lib/deep/energy/irp/2014_irp_final.pdf) (Appendices A through H each have a separate URL.) Connecticut Department of Energy and Environmental Protection, Draft 2017 Comprehensive Energy Strategy for Connecticut.

[http://www.ct.gov/deep/lib/deep/energy/cep/2013\\_ces\\_final.pdf](http://www.ct.gov/deep/lib/deep/energy/cep/2013_ces_final.pdf)

<sup>4</sup> As identified in Conn. Gen. Stat. § 16-2.

independent consultants (“Department Consultant”) who will be an integral part of the Evaluation Team to assist in the evaluation.

UI and Eversource (each, an “Electric Distribution Company” or “EDC”; together, the “Electric Distribution Companies”, or “EDCs”) personnel that are a part of the Evaluation Team must comply with the obligations in the Standard of Conduct documents attached as Appendix H to this RFP.<sup>5</sup> The Standard of Conduct prohibits any discussion of this RFP between EDC personnel participating on the Evaluation Team and EDC personnel involved in the preparation of bids in response to this RFP, other than as part of open discussions that refer to the conduct of the RFP process (e.g. bidder conferences or formal bidder Q&A that are open to all participants).

The Selection Team—consisting of DEEP, the Connecticut Procurement Manager, OCC, and the AG—will consider the evaluation results and project rankings to determine projects for selection. The DEEP Commissioner will make the selection of any projects, in consultation with the Connecticut Procurement Manager, OCC, and the AG, and with the assistance of the Department Consultant.

The Selection Team may consult with the Evaluation Team.

The EDCs will be responsible for negotiation and execution of any final Agreements for selected Eligible Projects. Long-term contracts will be Power Purchase Agreements (“PPA”) for the purchase of energy and Class I and/or Class III Renewable Energy Certificates (“RECs”) from generators (“Agreement”). The EDCs may make filings and conduct other regulatory compliance activities connected with this solicitation, including filings with the Public Utilities Regulatory Authority (“PURA”) for approval of any Agreement resulting from this solicitation, as described in Section 2.5 below. However, in addition to and separately from these, bidders may also be subject to certain filing requirements and other regulatory obligations pursuant to the arrangements and/or transactions they may enter into pursuant to this solicitation and the activities arising therefrom. Bidders will be responsible for identifying and satisfying such requirements and obligations applicable to them.

## **1.2 CALL FOR PROPOSALS**

DEEP is seeking proposals from developers of qualified offshore wind, fuel cell, and anaerobic digestion Class I resources. The purpose of this RFP is to fulfill the requirements of the Procurement Statute to secure energy resources that can provide reliable electricity that is in the interest of ratepayers, consistent with the energy policy goals set forth in the Comprehensive Energy Strategy (“CES”) and the solid waste management policy goals set forth in the Comprehensive Materials Management Strategy (“CMMS”).

Eligible Projects may be combined to form one bid, subject to the requirements provided in Section 2.2.7. Positive contingent bids (e.g., bid A cannot be accepted unless bid B is also accepted) are not allowed unless the bid is contingent upon the purchase of a portion of the output from the Eligible Project by another state EDC (i.e. Connecticut ratepayers can get a lower price if the same project is selected by EDCs in another state). Any bidder including a positive contingent bid upon another state’s purchase must include one pricing option that is not contingent upon another state’s purchase. Bidders may propose

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<sup>5</sup> Appendix H-1 for Eversource, Appendix H-2 for UI. In addition, New York State Electric and Gas Corporation personnel are part of the Evaluation Team supporting UI. These individuals are bound by the UI Standard of Conduct.

multiple bids for individual projects with negative contingencies (e.g., bid A and bid B are different configurations and/or pricing for the same proposed project, and only one bid may be accepted). Bidders should also indicate if the price already bid into another RFP for the same project would change if the project is selected in this RFP.

Any resulting Agreements must be finalized between one or more EDCs and the successful bidders based on the offers submitted in response to this RFP. This RFP process, including any selection of preferred projects, does not obligate any EDC to accept any terms and conditions in an Agreement that are unacceptable to it, or any state or federal regulatory authority to approve any proposed Agreements. Any Agreement, tariff or rate schedule entered into following this RFP process is subject to Connecticut and federal laws and regulatory approvals. Bidders are responsible for obtaining all necessary federal, state or local regulatory approvals, as applicable to their project. Selection of a Bidder by the Selection Team does not supersede any review that is required to be conducted for any state, federal, or local regulatory authority, including, but not limited to, the Connecticut Siting Council.

The table below summarizes the resources eligible to bid in this RFP (subject to other limitations and delivery requirements set forth herein).

| <u>Resource Type</u> <sup>6</sup> | <u>Minimum Nameplate</u> | <u>Maximum Nameplate</u> | <u>Statutory MWh Maximum (Annual)</u> <sup>7</sup> | <u>Project Location Eligibility</u>                            | <u>Delivery Point Eligibility</u>  |
|-----------------------------------|--------------------------|--------------------------|--|--|--|
| <u>Class I Offshore Wind</u>      | ≥ 2 MW                   | No limit                 | 825,000  | New England or adjacent control area, including federal waters | ISO-NE pricing node on PTF (which may include the New England side of an import interface) |
| <u>Class I Fuel Cell</u>          | ≥ 2 MW                   | < 20 MW                  | 899,250  | New England or adjacent control area                           | ISO-NE pricing node on PTF (which may include the New England side of an import interface) |

<sup>6</sup> All Resource Types can include Paired and Co-located Energy Storage.

<sup>7</sup> These numbers are approximations and represent maximum purchases for each resource type, which may be reduced based upon purchases of other resource types. DEEP has authority under the Act to procure up to 4% of load by the state's two EDCs, with no more than 3% of load to offshore wind. DEEP has exercised approximately 0.73% of its authority under the Act in a 2013 procurement, leaving approximately 3.27% available under the Act. The total annual load of the two Connecticut EDCs (i.e. excluding municipal electric cooperatives as required by statute) is 27.5M MWh. Accordingly, DEEP may solicit up to 899,250 MWh under the Act, with no more than 825,000 MWh of the 899,250 MWh being allocated to offshore wind.

|   |        |          |         |                                      |  |
|---|--------|----------|---------|--------------------------------------|--|
| <u>Class I Fuel Cell with Combined Heat and Power</u> | ≥ 2 MW | No limit | 899,250 | New England or adjacent control area | ISO-NE pricing node on PTF (which may include the New England side of an import interface) |
| <u>Class I Anaerobic Digestion</u>                    | ≥ 1MW  | < 5 MW   | 899,250 | New England or adjacent control area | ISO-NE pricing node on PTF (which may include the New England side of an import interface) |

### 1.2.1 DEFINITION OF KEY TERMS

“Core Forest” means as defined in Public Act 17-218, *An Act Concerning the Installation of Certain Solar Facilities on Productive Farmlands, Incentives for the Use of Anaerobic Digesters by Agricultural Customer Hosts, Applications Concerning the Use of Kelp in Certain Biofuels and the Permitting of Waste Conversion Facilities*.

“Delivery”, “Deliver”, or “Delivered” means Qualified Clean Energy produced by a generating resource or discharged from a Paired and Co-Located Energy Storage facility that is recognized in the Independent System Operator of New England (“ISO-NE”) settlement system as injected in the ISO-NE energy market at a specified and agreed upon pricing node<sup>8</sup> (e.g., the generator asset node applicable to an internal resource or the external interface node applicable to an import) that is generally unconstrained/uncongested, as discussed in Section 2.2.5.

“Eligible Project” shall have the meaning set forth in Section 1.2.3.

“Energy Storage” means, for the purpose of this RFP, Energy Storage System as defined in Section 16-1 of the Connecticut General Statutes (“General Statutes”),<sup>9</sup> that shall be Paired and Co-located with Incremental Class I Qualified Clean Energy sources (“Paired and Co-located Energy Storage”).

“Incremental Class I” means an increase in the amount of Qualified Clean Energy produced and Delivered from a Class I Eligible Project, whether associated with the construction of a new generating unit; or an increase in nameplate capacity associated with the construction of an upgrade to an existing generating unit.

“Nameplate” means the rated peak output of the generation or Energy Storage facility, measured in MW AC, as stated by the manufacturer.

“Off-Peak Hours” means all hours not defined as Peak Hours.

“Paired and Co-located Energy Storage” means Energy Storage facilities only storing energy produced by the Class I Qualified Clean Energy source and delivering such stored energy to the energy grid during Performance Hours, to reduce in whole or in part, the intermittency of the Class I Qualified Clean Energy source with which it is paired. Paired and Co-located Energy Storage facilities shall be interconnected to

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<sup>8</sup> Note that if the agreed upon pricing node is not located on the ISO New England Pooled Transmission Facilities (“PTF”), the Delivery Point will be the PTF in the vicinity of the referenced pricing node. Seller shall be responsible for (1) all non-PTF and/or distribution system losses, (2) all transmission and/or distribution interconnection charges associated with the Facility, and (3) the cost of Delivery of the Products to the Delivery Point, including all related administrative fees and non-PTF and/or distribution wheeling charges. In addition Seller shall also be responsible to apply for and schedule all such services.

<sup>9</sup> Section 16-1 of the General Statutes states that “‘Energy storage system’ means any commercially available technology that is capable of absorbing energy, storing it for a period of time and thereafter dispatching the energy, and that is capable of either: (A) Using mechanical, chemical or thermal processes to store electricity that is generated at one time for use at a later time; (B) storing thermal energy for direct use for heating or cooling at a later time in a manner that avoids the need to use electricity at a later time; (C) using mechanical, chemical or thermal processes to store electricity generated from renewable energy sources for use at a later time; or (D) using mechanical, chemical or thermal processes to capture or harness waste electricity and to store such electricity generated from mechanical processes for delivery at a later time.”

the transmission system or the distribution system, and Deliver to the same delivery point as the Class I Qualified Clean Energy source with which they are paired.

“Performance Hours” means 2:00 p.m. to 9:00 p.m. E.P.T. (Eastern Prevailing Time) on weekdays.

“Peak Hours” means the hours of 7:00 a.m. to 11:00 p.m. E.P.T. weekdays.

“Qualified Clean Energy” means energy produced by an offshore wind, fuel cell, or anaerobic digestion generating resource qualified to produce Class I Renewable Energy Credits (“RECs”).

### 1.2.2 BID REQUIREMENTS

Bids must be for Incremental Qualified Clean Energy from Eligible Projects that are Class I resources, Delivered to the EDCs throughout the contract term.

Bids must offer both Qualified Clean Energy and associated RECs.

### 1.2.3 ELIGIBLE PROJECTS

Eligible Projects must be new, or incremental expansions of existing facilities. Existing resources, such as output of existing facilities, are not eligible for participation in this RFP.

Eligible Projects must begin construction no earlier than effective date of the PPA, as defined in such PPA. The Deliveries under any resulting Agreement must begin no earlier than July 1, 2019 and no later than December 31, 2025.

Eligible Projects are:

- a. Offshore wind Class I renewable energy sources, in which the facility has an AC nameplate capacity rating equal to or greater than 2 MW, which may include Paired and Co-located Energy Storage. Class I Qualified Clean Energy resources smaller than 2 MW may not be aggregated.
- b. Fuel cell Class I renewable energy sources without combined heat and power, in which the facility has an AC nameplate capacity rating equal to or greater than 2 MW and less than 20 MW, which may include Paired and Co-located Energy Storage. Class I Qualified Clean Energy resources smaller than 2 MW may not be aggregated.
- c. Fuel cell Class I renewable energy sources with a combined heat and power system, in which the facility has an AC nameplate capacity rating equal to or greater than 2 MW without a maximum AC nameplate capacity, provided such combined heat and power system has a combined electric and heating efficiency of 60%, which may include Paired and Co-located Energy Storage. Class I Qualified Clean Energy resources smaller than 2 MW may not be aggregated. Such 60% value must be demonstrated as a prerequisite for purchase and on an annual basis to the EDC by a professionally licensed engineer and is determined on a twelve month rolling basis.<sup>10</sup> Fuel cells with combined heat and power must qualify as a Class III energy source in addition to a Class I renewable energy source.
- d. Anaerobic digestion Class I renewable energy sources, in which the facility has an AC nameplate capacity rating equal to or greater than 1 MW and less than 5 MW, which may include Paired and Co-located Energy Storage. Class I Qualified Clean Energy resources smaller than 1 MW may not be aggregated.

Eligible Projects must comply with all applicable state regulatory and land use requirements (e.g., C.G.S. 22-26cc related to siting projects on prime agricultural land; C.G.S. 26-310 relating to actions authorized by the Commissioner pursuant to the Connecticut Endangered Species Act). DEEP encourages the reuse and redevelopment of existing sites, including landfills and brownfields. DEEP maintains an inventory of

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<sup>10</sup> If such 60% requirement is not met at any point during the term of the contract, the PPA price will drop one cent/kWh per year for up to five years until the bidder can meet the 60% requirement based on a twelve month rolling basis.

active landfills, capped landfills and brownfields in Connecticut. DEEP does not charge a permit application fee for such sites. DEEP maintains a website, “Siting Clean Energy on Connecticut Brownfields,” which includes further information about such sites for clean energy developers.<sup>11</sup>

#### **1.2.4 QUANTITIES AND CONTRACT TERM LENGTHS**

Pursuant to the Procurement Statute, the maximum authorized procurement level remaining for Qualified Clean Energy and RECs in this RFP is 899,250 MWh per year, of which no more than 825,000 MWh per year can be for offshore wind.

The contract term lengths for the procurement of Qualified Clean Energy and RECs provided for under the Procurement Statute is up to 20 years.

#### **1.3 FILING PROTOCOL AND COMMUNICATIONS BETWEEN THE EVALUATION TEAM AND BIDDERS**

This RFP and related information can be found at Procurement of Clean Energy and Renewable Resources Pursuant to Public Acts 13-303, 15-107 and 17-144 located on DEEP’s energy filings page.

All communications regarding this RFP must be submitted via e-mail with the subject line “2018 PA 17-144 Procurement” to [DEEP.EnergyBureau@ct.gov](mailto:DEEP.EnergyBureau@ct.gov). Bidders are prohibited from direct contact with individual members of the Evaluation Team or the Department Consultant regarding this RFP (other than as directed by the Evaluation Team). Note that staff of the EDCs who are participating in the evaluation of bids under this RFP are bound by a Utility Standard of Conduct, which, among other things, prohibits EDC staff on the Evaluation Team from communicating any non-public information regarding this RFP with any other utility staff who may be developing or submitting a bid responsive to this RFP.<sup>12</sup>

Prospective bidders may submit written questions pertaining to the solicitation. The Department is under no obligation to answer any question submitted after the deadline provided in the schedule set forth in Section 1.3.2 of this RFP (the “Schedule”). The Department will endeavor to publish written responses to questions on a rolling basis. All questions must be submitted to [DEEP.EnergyBureau@ct.gov](mailto:DEEP.EnergyBureau@ct.gov) no later than February 28, 2018. All Evaluation Team responses to the questions will be published on the Department’s website for all participants to view no later than March 14, 2018.

Proposals shall demonstrate how the bidder and proposed project(s) meet the project eligibility and threshold requirements set forth in this RFP.

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<sup>11</sup> See <http://www.ct.gov/deep/cwp/view.asp?a=2715&q=552764>

<sup>12</sup> See Utility Standard of Conduct, available at Appendix H-1 (Eversource) and Appendix H-2 (UI).



**1.3.1 PROPOSAL SUBMISSION DEADLINE: April 2, 2018 at 12:00 P.M. E.P.T. (noon).**

**Proposals received by the Evaluation Team after the deadline will be rejected.**

**1.3.2 RFP SCHEDULE:**

|   |  |
|---|--|
| Release RFP for Public Comment  | December 15, 2017  |
| Public Comment Deadline   | January 16, 2018   |
| Release RFP to Bidders  | January 31, 2018   |
| Bidder Conference   | February 20, 2018,<br>9:30 AM – 1:00 PM Gina<br>McCarthy Auditorium, DEEP<br>headquarters, 79 Elm Street,<br>Hartford, CT. |
| Deadline for the submission of written questions and<br>Notice of Intent to Bid | February 28, 2018  |
| Deadline for DEEP to Post Q and A on DEEP's Website                             | March 14, 2018   |
| Due Date for Proposal Submissions   | April 2, 2018  |
| Selection of Bidders <sup>13</sup>  | June 2018  |
| EDCs Execute Contacts <sup>14</sup>   | Summer 2018  |
| Submit contracts for PURA Approval <sup>15</sup>                                | Fall 2018  |
| PURA Approval   | 60 days from submittal   |

**1.3.3 SUBMISSION REQUIREMENTS**

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<sup>13</sup> The Evaluation Team may conduct this step on a different date for each resource category.

<sup>14</sup> The Evaluation Team may conduct this step on a different date for each resource category.

<sup>15</sup> The Evaluation Team may conduct this step on a different date for each resource category.

Proposals must be submitted to the Department, the EDCs, and the Department Consultant for bid evaluations in accordance with the instructions provided below.

### **1.3.3.1 SUBMISSIONS TO THE DEPARTMENT**

All proposals must be submitted publicly and electronically to the Department, with confidential material redacted at the bidder's option, in accordance with the process set forth below. Complete proposals must include a properly completed Certification, Project and Pricing Data ("CPPD") Form, as described in Appendix B, although at the bidder's option the CPPD submitted as part of the public redacted version may be a PDF instead of a working Excel file if the bidder submits the unredacted CPPD form as a working Excel file with the unredacted version of the proposal. (See Section 1.3.4 below for treatment of confidential material). If there is conflicting information between the information in the CPPD and information in other forms, then the information in the CPPD will be used in the evaluation. Information elsewhere in the bid cannot be used to modify or qualify any information in the CPPD. The public proposals must be complete in all respects other than the redaction of confidential information.

In order to submit a proposal publicly and electronically to the Department, the bidder must first register for electronic filings on DEEP's website at <http://www.ct.gov/deep/energyfilings>. **DEEP recommends that bidders complete the registration process at least 24 hours prior to submitting their proposal.** Proposals are submitted via the same link as used for registration <http://www.ct.gov/deep/energyfilings>. **All information submitted electronically to the Department may be subject to disclosure under the Connecticut Freedom of Information Act.**

**The Department will not redact the proposal submitted through the electronic filings system. Anything submitted through the Energy Filings system website will be made AVAILABLE TO THE PUBLIC on the Department's website.**

This public version will be posted on the public website under Procurement of Clean Energy and Renewable Resources Pursuant to Public Acts 13-303, 15-107 and 17-144 located on DEEP's Energy Filings page shortly after the bid submittal deadline.

In addition, bidders must file one unredacted three-ring-bound copy of the complete proposal and five CDs each with complete unredacted copies of the entire proposal to:

Debra Morrell  
Department of Energy and Environmental Protection  
Bureau of Energy and Technology Policy  
Ten Franklin Square, New Britain, CT 06051

Each CD must be labeled with the Project Name and bidder Name. USB drives will not be accepted. The unredacted versions of proposals must include the CPPD forms as a working Excel file, with all required information included. The unredacted versions of proposals will be treated as confidential and sensitive information by the Evaluation Team, subject to the treatment of confidential information discussed in Section 1.3.4 below. Hard copies must be received by 12:00 noon E.P.T., April 2, 2018 and stamped "Confidential." The Department reserves the right to reject a proposal received after the deadline.

Each proposal shall contain the full name and business address of the bidder and bidder's contact person and shall be signed by an authorized officer of the bidder. Bidders must sign the original proposal and include copies of the signature page with the copies. The full name and business address of the bidder must be included in the public version of the proposal(s).

#### **1.3.3.2 SUBMISSIONS TO THE EDCS AND DEPARTMENT CONSULTANT**

Each bidder shall submit a complete unredacted electronic copy of their entire proposal, including the CPPD working Microsoft Excel file, in the form of a labeled CD ROM to:

**Eversource Energy:**

Eversource Energy  
107 Selden Street  
Berlin, CT 06037  
Attn: Tim Honan (NUE1)  
(860) 665-4524

**The United Illuminating Company:**

The United Illuminating Company  
180 Marsh Hill Road AD-2A  
Orange, CT 06477-3629  
Attn: Alan Trotta  
(203) 499-3271

**Levitan & Associates, Inc.:**

Levitan & Associates, Inc.  
Attn: Ellen Cool  
100 Summer Street  
Suite 3200  
Boston, MA 02110  
(617) 531-2818

The telephone numbers provided are for overnight delivery purposes only. As above, each CD must be labeled with the Project Name and bidder Name. These proposals must arrive with the EDCs and the Department Consultant no later than April 2, 2018 at 12:00 P.M. E.P.T. (noon).

For filings with PURA, each bidder must execute an Appendix E ("Consent to Submittal to PURA"). A proposal will be considered incomplete unless all required Appendices are signed and submitted with the proposal.

Each proposal shall contain the full name and business address of the bidder and bidder's contact person and shall be signed by an authorized officer of the bidder.

#### **1.3.4 CONFIDENTIAL INFORMATION**

Bidders must clearly identify all confidential or proprietary information including pricing in any redacted submittal to the Department in accordance with Section 1.3.3.1 above. If a bidder wishes to submit confidential information to the Department, the bidder must recognize that the Connecticut Freedom of

Information Act (“FOIA”) governs the public’s accessibility to that information. This law generally requires the disclosure of material in the possession of the State upon request, unless the material is specifically exempt from disclosure. An example of an exemption is a “trade secret,” as defined by C.G.S. § 1-210(b)(5).<sup>16</sup> In making a request for protective treatment, bidders must clearly identify which FOIA exemption(s) is applicable to the specific content. Information claimed as confidential must be isolated from other material in the proposal and labeled “CONFIDENTIAL.” With this submission of information claimed and labeled as confidential, a bidder must provide the legal basis for its confidentiality claim, describe what efforts have been taken to keep the information confidential, and provide whether the information sought to be protected has an independent economic value by not being readily known in the industry. Any bidder submitting confidential information to the Department must submit a motion for protective order, a draft protective order for the Department to sign, and a sworn affidavit attesting the confidential nature of the information. With a bidder’s legal support and reasonable justification for confidentiality as described herein, the Department is better equipped to safeguard confidential information should it become the subject of a Connecticut Freedom of Information Act inquiry.

**All information for winning bidders, including confidential information, will become public 90 days after contracts have been executed and approved by all relevant authorities in order to give winning bidders the time to wrap up any outstanding components of a project (i.e. financing), which may include energy regulatory authorities of other states if projects require approval from such agencies, unless otherwise ordered by PURA, unless the winning bidder seeks further protective treatment from DEEP by submitting a motion for protective order, a draft protective order for the Department to sign, and a sworn affidavit attesting the confidential nature of the information and why further protective treatment is warranted.**

Bidders must clearly identify all confidential or proprietary information including pricing. Only legitimate non-public proprietary or sensitive information may be considered confidential, and bidders should not designate any portions of their proposal confidential that do not merit confidential treatment. The Evaluation Team shall use commercially reasonable efforts to treat the confidential information that it receives from bidders in a confidential manner. The Evaluation Team expects to disclose bid information to the Department Consultant and may disclose bid information to ISO-NE staff as part of the bid evaluation process. The bidder authorizes the Department to share any information submitted in its proposal to the Department Consultant and/or ISO-NE. In addition, the bidder authorizes ISO-NE to share any information regarding its project, including but not limited to the results of any interconnection studies performed by ISO-NE with the Evaluation Team which information also will be treated as confidential. If confidential information is sought in any regulatory or judicial inquiry or proceeding or pursuant to a request for information by a government agency with supervisory authority over any of the

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<sup>16</sup> Further, C.G.S. § 1-210(b)(24) exempts from disclosure the following: “Responses to any request for proposals or bid solicitation issued by a public agency or any record or file made by a public agency in connection with the contract award process, until such contract is executed or negotiations for the award of such contract have ended, whichever occurs earlier, provided the chief executive officer of such public agency certifies that the public interest in the disclosure of such responses, record or file is outweighed by the public interest in the confidentiality of such responses, record or file”.

EDCs, reasonable steps shall be taken to limit disclosure and use of said confidential information through the use of non-disclosure agreements or requests for orders seeking protective treatment, and bidders shall be informed that the confidential information is being sought. The bidder shall be responsible for filing, submitting, and/or providing to the EDCs for such filing or submission, any motions or other pleadings (including associated affidavits, etc.) for protective orders or other relief to justify withholding the confidential information.

Similarly, bidders shall use commercially reasonable efforts to treat all confidential information received from the Evaluation Team or individual entities serving on the Evaluation Team in a confidential manner and will not, except as required by law or in a regulatory or judicial proceeding, disclose such information to any third party or use such information for any purpose other than in connection with this RFP; provided, however that if such confidential information is sought in any regulatory or judicial proceeding, the bidders shall take reasonable steps to limit disclosure and use of said confidential information through the use of non-disclosure agreements or requests for orders seeking protective treatment, and shall inform the Evaluation Team that the confidential information is being sought.

In the event that confidential information is submitted to the Evaluation Team and confidential treatment is not afforded by a governmental agency, the entities and individuals on the Evaluation Team shall not be held responsible. Each of the members of the Evaluation Team, as well as their employees, agents, and the Department Consultant, shall be held harmless for any release of confidential information as long as reasonable efforts to protect the information have been followed. In any event, DEEP, as well as its employees, agents, and consultants, shall be held harmless for any release of confidential information made available through any public source by any other party.

#### **1.3.4.1 CONFIDENTIAL INFORMATION SHARING AUTHORIZATION FOR ISO-NE**

ISO-NE may be requested to provide information to the Evaluation Team concerning proposals as part of the proposal evaluation process. By participating in this RFP, bidders agree that ISO-NE may release information, related to the projects and that may otherwise be considered confidential under the ISO-NE Information Policy, to the Evaluation Team. The Evaluation Team will treat the information provided as confidential as described above in accordance with the Confidential Information policies and practices described in Section 1.3.4 above.

#### **1.3.5 APPENDICES**

All bidders shall sign and submit attached Appendix D with their bids. A proposal will be considered incomplete unless all required Appendices are signed and submitted with the proposal.

#### **1.4 BIDDER CERTIFICATION**

An authorized officer or other duly authorized representative of a bidder is required to certify by its submission of its proposal that:

1. The bidder has reviewed this RFP and has investigated and informed itself with respect to all matters pertinent to this RFP and its proposal;
2. The bidder's proposal is submitted in compliance with all applicable federal, state and local laws and regulations, including antitrust and anti-corruption laws;

3. The bidder is bidding independently and has no knowledge of non-public information associated with a proposal being submitted by another party in response to this RFP other than: (1) a response submitted (a) by an affiliate of bidder or (b) for a project where bidder is also a project proponent or participant, which in each case must be disclosed in writing to the Evaluation Team with each such bidder's or affiliated bidder's proposal; or (2) a submission of multiple bids for the same Qualified Clean Energy as discussed in Section 1.2.

4. The developer has no knowledge of any non-public information associated with the development of this RFP; and

5. The bidder's proposal has not been developed utilizing knowledge of any non-public information associated with the development of this RFP.

Violation of any of the above requirements will disqualify the bidder from the solicitation described in this RFP and may be reported to the appropriate government authorities. See the required Certification in Appendix D.

## **1.5 CHANGES OR CANCELLATIONS**

The terms and conditions of this RFP may, at any time, be changed, postponed, withdrawn and/or canceled, including any requirement, term or condition of this RFP, any and all of which shall be without any liability of DEEP or the Evaluation Team. Any changes to or cancellations of this RFP will be posted on the public website under Procurement of Clean Energy and Renewable Resources Pursuant to Public Acts 13-303, 15-107 and 17-144.

## **II. EVALUATION AND SELECTION PROCESS**

### **2.1 OVERVIEW**

Once proposals are received, the proposals will be subject to a review, evaluation and selection process. The first stage ("Stage One") consists of a review of whether the proposals satisfy specified eligibility, threshold and other minimum requirements set forth in Section 2.2 of this RFP. The second stage ("Stage Two") consists of quantitative and qualitative evaluation of proposals that pass the Stage One review, as described in Section 2.3 of this RFP.

### **2.2 STAGE ONE – MINIMUM THRESHOLD REQUIREMENTS**

In order for a proposal to qualify for evaluation, it must satisfy the requirements described in this section. These requirements are designed to ensure that proposed projects comply with the requirements of this RFP, satisfy any relevant statutory criteria under the Procurement Statutes, and meet minimum standards demonstrating project viability. Following receipt, the proposals will be reviewed to determine whether they satisfy these minimum requirements. Proposals that do not satisfy the Stage One requirements after any responses to clarification requests issued by DEEP, will be disqualified from further review and evaluation. Stage One requirements are set forth in the following section of this RFP.

#### **2.2.1 ELIGIBLE BIDDER**

An "Eligible Bidder" is a bidder who is the owner of an Eligible Project or the owner of development rights to an Eligible Project, i.e., the developer of the Eligible Project.

## **2.2.2 ELIGIBLE PROJECTS**

Eligible Projects meet the requirements set forth in Section 1.2.3 above.

Eligible Projects cannot receive Connecticut ratepayer-funded incentives or subsidies or any other contract to sell products produced by the project to a Connecticut EDC, including but not limited to net metering, pursuant to C.G.S. § 16-243h, virtual net metering, pursuant to C.G.S. § 16-244u, or LREC/ZREC pursuant to C.G.S. §§ 16-244r and 16-244t or any successor programs. Eligible Projects receiving loans from the Connecticut Green Bank or grants under the microgrid program are eligible.

## **2.2.3 ELIGIBLE BIDS**

Eligible bids will vary by resource type as set forth in Subsections 2.2.3.1 below. To be eligible, bids may not require, or allow for, payment until service has commenced from the Eligible Project pursuant to the terms of the applicable contract.

### **2.2.3.1 INCREMENTAL QUALIFIED CLEAN ENERGY AND RECS VIA PPA**

An Eligible Bidder bidding to sell Incremental Qualified Clean Energy and RECs through a PPA must propose separate prices on a dollar per megawatt-hour (\$/MWh) for Qualified Clean Energy and on a dollar per REC (\$/REC) basis for RECs, and a price schedule that conforms with Section 2.2.12.1. Any RECs sold under a PPA will only be purchased by the applicable EDC to the extent that those RECs conform to the eligibility criteria for Class I RECs. If an EDC agrees to purchase both Qualified Clean Energy and RECs under a PPA and the RECs cease to conform to the RPS Connecticut Class I eligibility criteria, the applicable EDC may thereafter elect to purchase only electric energy under that PPA, and if the EDC decides not to purchase those non-conforming RECs, then the seller will be permitted to sell them to a third party.

The Form of Class I Power Purchase Agreement (attached as Appendix C-1 to the final RFP) contains terms and conditions for the sale of both Incremental Qualified Clean Energy and RECs.

**A. Paired and Co-located Energy Storage:** An Eligible Bidder bidding to sell Incremental Class I Qualified Clean Energy and RECs paired with Energy Storage (as defined in Section 1.2.1) through a PPA must propose separate prices on a dollar per megawatt hour (\$/MWh) for Qualified Clean Energy and on a dollar per REC (\$/REC) basis for RECs, and a price schedule that conforms with Section 2.2.12.1.

Paired and Co-located Energy Storage is intended to change the Delivery profile of the energy produced by the accompanying Class I Qualified Clean Energy resources for Delivery under a PPA, and is not intended to store and discharge system power, or buy and sell energy with third parties. All bids for Paired and Co-located Energy Storage shall include: (1) the energy production and Delivery profile with and without Energy Storage included; and (2) a minimum percentage Delivery commitment during Performance Hours (“Minimum Percentage Delivery Commitment”) consistent with the profile provided in (1), which will be automatically calculated in the CPPD. Any Agreement for Paired and Co-located Energy Storage resulting from this RFP will include damages if the Minimum Percentage Delivery Commitment is not met.

The Form of Agreement for Paired and Co-located Energy Storage will be the same as the Form of Class I Power Purchase Agreement, as described in Section 2.2.3.1, with adjustments made for Energy Storage bids. Appendix C-1 to this RFP contains terms and conditions for the sale of both Incremental Qualified Clean Energy and RECs.

#### **2.2.4 CAPACITY AND OTHER ISO NEW ENGLAND MARKETS**

Bidders are encouraged, but are not required, to bid into the ISO-NE Forward Capacity Market (“FCM”), but if they do, they will be held to that commitment in the Agreement. Eligible Bidders must describe the amount of capacity, and the capacity commitment period, for which they expect the Eligible Projects in their bids to qualify under the Forward Capacity Auction Qualification (“FCAQ”) requirements set forth in Section III.13.1 of Market Rule 1 of ISO-NE’s Transmission Markets and Services Tariff. Eligible Bidders must also describe how they expect to meet those requirements which include, among others, satisfaction of Capacity Capability Interconnection Standard and the remedying of any issues identified in the overlapping impact analysis. This FCAQ amount must be consistent with the amount that would typically be expected for similar projects of the same type, including nameplate rating and technology. There will be no payments or price supports from the EDCs for capacity associated with any Qualified Clean Energy procured under this RFP. The bidder will retain any capacity revenues received from ISO-NE. The Eligible Bidder must disclose in its proposal if the bidder is committing to bid that qualified capacity amount into the capacity market, and if so, must take (i) any necessary and appropriate actions to qualify and participate; and (ii) commercially reasonable actions to be selected and compensated in the capacity market, including the use of the Renewable Technology Resource exemption (Section III.13.1.1.7) if the Eligible Project would qualify for use of such exemption. Bidders must describe how they plan to bid into and obtain a capacity supply obligation in a primary auction, as applicable.

If an Eligible Project qualifies for other ISO-NE markets, it may participate in such markets and retain the revenues from such market participation; provided, however that such market participation does not impair performance under the Agreement. For avoidance of doubt, this does not include RECs or other environmental attributes which are the property of the buyer.

#### **2.2.5 INTERCONNECTION REQUIREMENTS**

Class I Qualified Clean Energy resources may be located anywhere within the ISO-NE control area or adjoining control areas. Energy Storage projects may be located anywhere within the ISO New England control area. The Delivery of Qualified Clean Energy from Eligible Projects must occur throughout the term of the Agreement. It is the responsibility of the Eligible Bidder to satisfy the Delivery requirement. The Delivery point must be located so that EDCs are not responsible for wheeling charges or scheduling to move energy to the ISO-NE Pool Transmission Facilities (“PTF”). The EDCs will not be responsible for any costs associated with Delivery other than the payment of the bid prices. Similarly, EDCs will not be responsible for any scheduling associated with Delivery.

Regardless of participation in the FCM, Eligible Bidders must include a commitment to interconnect to the PTF at the Capacity Capability Interconnection Standard.

Bidders are obligated to demonstrate how the project’s energy is able to be delivered without material constraint or curtailment (i.e., that the project will be fully dispatched without displacing other clean energy generation). Bidders must demonstrate that their proposed point of delivery into ISO-NE, along with their proposed interconnection and transmission upgrades, is sufficient to ensure full dispatch of the proposal’s output. Proposals must include all interconnection and transmission upgrade costs required to ensure full dispatch, including transmission upgrades that may need to occur beyond the point of



interconnection. Proposals that fail to provide sufficient supporting documentation or information necessary to reasonably ensure full delivery under a range of assumptions may be eliminated from further evaluation.

The Eligible Bidder will be responsible for all costs associated with and/or arising from interconnecting its project to the transmission or distribution grid and, if applicable, for ensuring that the Qualified Clean Energy is recognized in ISO-NE's settlement system as being injected into the ISO-NE energy market at a specified and agreed upon pricing node. At no time will one or more EDCs assume the responsibility of Lead Market Participant for any project. GIS certificates representing the environmental attributes associated with the Qualified Clean Energy must be delivered into the applicable EDC's NEPOOL GIS account.

The Eligible Project shall comply with all applicable ISO-NE<sup>17</sup> and state interconnection requirements for generation facilities and interregional ties, as applicable, including but not limited to The Connecticut Light and Power Company<sup>18</sup> and The United Illuminating Company Generator Interconnection Technical Requirements.<sup>19</sup> The EDCs will not provide preferential treatment, or any special assistance, for projects selected through this RFP process in meeting interconnection requirements.

To meet this threshold requirement for Class I Qualified Clean Energy resources, Eligible Bidders must submit a plan that clearly demonstrates how Qualified Clean Energy will be delivered from or by the proposed Eligible Project to the Delivery point that is a PTF Node as outlined in Section 6 of Appendix B. Additionally, the Eligible Bidder must detail the status (and conclusions, as available) of interconnection applications and studies, as further described in Section 6 of Appendix B.

Eligible Projects 20 MW or greater must have filed interconnection requests with ISO-NE or other applicable system operator as necessary and sufficient to gain an understanding of the maximum expected interconnection costs for their Eligible Project.

### **2.2.6 ALLOWABLE CONTRACT TERMS**

The contract term for product Delivery is up to 20 years. Bidders are encouraged to make their own determination as to the product Delivery terms that best fit their individual needs while meeting the RFP requirements.

### **2.2.7 MINIMUM AND MAXIMUM CONTRACT SIZE**

Any bid that provides for the Delivery of Qualified Clean Energy and associated RECs from Class I Eligible Projects must have: (1) a minimum nameplate rating of equal to or more than 2 MW for offshore wind; (2) a minimum nameplate rating of equal to or more than 2 MW and less than 20 MW for fuel cells without CHP; (3) a minimum nameplate rating of equal to or more than 2 MW without a maximum nameplate

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<sup>17</sup>Section II of the *ISO New England Inc. Transmission, Markets, and Services Tariff* (the [Open Access Transmission Tariff](#)), [Schedule 22, Appendix 6—Standard Large Generator Interconnection Procedures](#) (more than 20 MW), and [Schedule 23, Exhibit 1—Standard Small Generator Interconnection Procedures](#)

<sup>18</sup><https://www.eversource.com/Content/ct-c/about/doing-business-with-us/builders-contractors/interconnections/connecticut-application-to-connect>

<sup>19</sup>UI's interconnection requirements for CT can be found at <https://www.uinet.com/wps/portal/uinet/about/>

rating for fuel cells including combined heat and power systems; and (4) a minimum nameplate rating of equal to or more than 1 MW and less than 5 MW for anaerobic digesters. An Eligible Bidder may offer bids for a portion of the production of Qualified Clean Energy and RECs from its proposed Eligible Project, provided such portion is greater than the minimum requirements for that technology type. An Eligible Bidder may also offer bids that aggregate capacity among two or more Class I Eligible Projects, provided that the Eligible Projects have the same contract purchase rate, deliver to the same Delivery point, and that the aggregation allows for the execution of one contract per EDC for all the Class I Eligible Projects included in the bid (i.e. each EDC will only execute one contract for the bid, with one price and one Delivery point).

### **2.2.8 GENERATION SITE/INTERCONNECTION ROUTE CONTROL**

The Eligible Bidder of a generation project must demonstrate that it has control of the project site included in the bid, or an unconditional right to acquire such control granted by the property owner. In all cases, site control and property rights include all necessary leases, easements or development rights necessary to operate or develop the project, including any necessary leases from an applicable government authority. In order to be considered to have site control for generation or Energy Storage projects, the Eligible Bidder must provide copies of executed documents between the Eligible Bidder and property owner showing one of the following: that the Eligible Bidder owns the site or has a lease or easement with respect to the site on which the proposed project will be located for a term of at least as long as the term of the Agreement; or has an unconditional option agreement to purchase or lease the site for such term. This requirement applies to both new and existing facilities. Facilities located on the same project site are considered one bid under this RFP.

Eligible Bidders must have property rights for a substantial portion of the property necessary for the interconnection, and include a plan for acquiring the rest of the required property rights. If all property rights have not yet been obtained, the Eligible Bidder must describe the authority the developer has to acquire necessary rights of way; the experience of the developer in acquiring rights of way; the status of acquisition of right, title and interest in rights of way, substations and other property or facilities, if any, that are necessary for the proposed project; and a detailed explanation of the feasibility of the project and potential constraints and challenges.<sup>20</sup>

Eligible Bidders must indicate whether the State of Connecticut has any interest in the land, including, but not limited to, fee, lien, remediation, management, or easement. Eligible Bidders must indicate which State Agency is responsible for managing the State's interest.

Eligible Bidders must demonstrate that the project site does not impact, in whole or in part, Core Forest. Projects located in, or otherwise impacting, a Core Forest will not pass the Stage One threshold review of the evaluation process.

### **2.2.9 TECHNICAL AND ENVIRONMENTAL VIABILITY; ABILITY TO FINANCE THE PROPOSED ELIGIBLE PROJECT**

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<sup>20</sup> See Section 1.2.3 regarding siting projects on landfills and brownfields.

The Eligible Bidder must demonstrate that the technology it proposes to use is technically viable. Technical viability may be demonstrated by showing that the technology is commercially available and has been used successfully as outlined in Section 8 of Appendix B.

The Eligible Bidder must demonstrate the financial viability of the proposed Eligible Project, including the funding of development costs, the required development period security, and reasonable estimated interconnection costs, and the ability to acquire the required equipment in the time frame proposed (see Section 5 of Appendix B).

Based on the information provided in Section 7 of Appendix B, the Eligible Bidder must demonstrate environmental viability, which includes a viable plan to acquire the permits, and licenses necessary to develop the Eligible Project. The Eligible Bidder must also include an assessment of environmental impacts based on the information provided in Section 7 of Appendix B, including impacts to prime farmland and agricultural soils, and the plan to mitigate such impacts or impediments to the satisfaction of DEEP. The Eligible Bidder must also include a decommissioning plan consistent with Section 7.7 of Appendix B.

#### **2.2.10 EXPERIENCE**

The Eligible Bidder must demonstrate that it has a sufficient amount of relevant experience and expertise, as applicable, to successfully develop, finance, construct, operate and maintain its proposed Eligible Project. Development, financing and construction experience can be established by demonstrating that key member(s) of the bidder's development team have undertaken project management responsibilities, including:

- a. Successful development and construction of a similar type of project; or
- b. Successful development and construction of one or more projects of similar size or complexity or requiring similar skill sets; and
- c. Experience successfully financing power generation (or demonstrating the financial means to finance the Eligible Project on the Eligible Bidder's, Eligible Project developer's or Eligible Project owner's balance sheet).

Operation and maintenance experience should be addressed as outlined in Section 9 of Appendix B.

#### **2.2.11 PROPOSAL CERTIFICATION**

Eligible Bidders are required to sign the Proposal Certification Form in the Certification, Project and Pricing Data form ("CPPD") verifying that the price(s), terms and conditions of the proposal are valid for at least 270 days following submission. Only an officer or other duly authorized representative of the Eligible Bidder may sign the Proposal Certification Form.

#### **2.2.12 ALLOWABLE FORMS OF PRICING**

##### **2.2.12.1 PPA PRICING**

Proposals for Qualified Clean Energy and Class I/Class III RECs to be sold under a PPA (including Paired and Co-located Energy Storage) will be accepted **only if** they conform to the following requirements:

- a. The proposal must provide fixed prices (in \$/MWh and/or \$/REC) annually for the term of the contract, and prices may be the same each year or increase over time. Separate Qualified Clean Energy prices must be provided for Peak Hours and Off-Peak Hours. Proposals must provide fixed prices, including transmission, as applicable.
- b. Proposals for projects that utilize natural gas may submit pricing consistent with Exhibit D-2 of Appendix C.
- c. Prices must be paid on a \$/MWh and \$/REC<sup>21</sup> basis for actual production, following Delivery on a monthly basis over the life of the contract. No fixed payments, pre-payments or fees shall be paid.
- d. Proposals including Qualified Clean Energy and RECs, or a portion thereof, must provide separate prices for such Qualified Clean Energy and RECs. For such proposals, if an EDC agrees to purchase both Qualified Clean Energy and RECs under a PPA, and the RECs cease to conform to the RPS Class I eligibility criteria, the applicable EDC will thereafter only purchase electric energy under that PPA; under these conditions, the Seller will be permitted to sell those non-conforming RECs to a third party. Pricing for Qualified Clean Energy and RECs must closely align with the relative market value of those products.
- e. Payment for RECs will be made after receipt of the RECs in the applicable EDC's NEPOOL GIS account.

#### **2.2.12.2 OTHER REQUIRED PRICING PARAMETERS**

Proposals will be accepted **only if** they conform to the following requirements:

Proposed prices may not be conditioned upon or subject to adjustment based upon the availability of the Federal Production Tax Credit or the Federal Investment Tax Credit, or the availability or receipt or continuation for any period of any other tax treatment or government grant or subsidy.

An Eligible Bidder may submit up to three pricing proposals for the sale or provision of Qualified Clean Energy and RECs from an Eligible Project 100 MW or less. For Eligible Projects greater than 100 MW, Eligible Bidders are encouraged to submit pricing proposals at different facility sizes. The total number of bids for Eligible Projects greater than 100 MW may exceed three bids. An Eligible Bidder may submit proposals that include more than one contract term (e.g., 15 and/or 20 years).

Bidders should indicate whether their Eligible Project or contract size (MW) is scalable, the size of each increment, and the minimum and maximum size of the project based on the property controlled by the bidder, based upon the pricing submitted in the CPPD. Bidders are encouraged to bid positive contingent bids if the project has been bid into an RFP being conducted in another New England state, consistent with the requirements of Section 1.2 of the RFP.

The Eligible Bidder must identify its proposed Delivery point for Qualified Clean Energy.

Under the terms of the PPA, in the event that the Locational Marginal Price ("LMP") for the Qualified Clean Energy at the Delivery point is less than \$0.00 per MWh in any hour, then the Buyer will purchase the Delivered energy at the contract rate and the Seller shall credit to Buyer, on the same monthly invoice, an amount equal to the product of (i) such Qualified Clean Energy Delivered in each such hour and (ii) the

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<sup>21</sup> The same price should be given for both Class I and Class III RECs if applicable.

absolute value of the hourly LMP at that Delivery point. If a Bid comments to the form of PPA to eliminate this provision, the Bid will fail the Stage One Minimum Threshold evaluation.

The Selection Team is under no obligation to consider or accept any form of alternative pricing.

### **2.2.13 PROPOSAL COMPLETENESS: ELIGIBLE BIDDER RESPONSE FORMS AND THE FORM OF AGREEMENT**

Eligible Bidders must follow the instructions provided in Appendix B and provide complete responses to all requests for information. Eligible Bidders are also required to fill out Appendices D and E. Eligible Bidders are required to provide the information specified in each section of the CPPD. If any of the information requested is inconsistent with the type of technology or product proposed, the Eligible Bidder should include “N/A” and describe the basis for this determination. If an Eligible Bidder does not have the information requested in the bid forms and cannot obtain access to the information prior to the bid submittal due date, the Eligible Bidder should provide an appropriate explanation.

Appendix C is the Form of the Agreement being used in this solicitation. Eligible Bidders must include a marked version showing any proposed changes to the applicable Form of Agreement with their bid, and it is assumed that Eligible Bidders would be willing to execute an Agreement as marked and included in their bids. Eligible Bidders are discouraged from proposing material changes to the Form of Agreement provided in Appendix C.

### **2.2.14 SUBSIDIES, INCENTIVES, AND NET ENERGY METERING**

Projects may use federal, state or local subsidies, incentives or tax credits. However, no project selected in this solicitation can receive Connecticut ratepayer-funded incentives or subsidies or any other contract to sell products produced by the project to a Connecticut EDC, including but not limited to net metering, pursuant to C.G.S. § 16-243h, virtual net metering, pursuant to C.G.S. § 16-244u, or LREC/ZREC pursuant to C.G.S. §§ 16-244r and 16-244t or any successor programs. Eligible Projects receiving loans from the Connecticut Green Bank or grants under the microgrid program are eligible.

Class I Qualified Clean Energy generators cannot use net energy metering or virtual net energy metering. All production from the project must be separately metered and paid the approved contract rates, and may not be used to offset any electric bill charges.

### **2.2.15 TECHNOLOGY-SPECIFIC REQUIREMENTS**

#### All Technologies

An Eligible Bidder must indicate whether the project will generate any waste during operation and identify what waste will be generated.

Any project that includes activities within Long Island Sound (“LIS”) shall include a detailed description of how the project would be consistent with the goals and policies set forth in Sections 22a-92 and 25-157t(b) of the General Statutes, which calls for the development of a LIS Resource and Use Inventory and LIS Blue Plan.

#### Anaerobic Digestion

Any anaerobic digestion facility must be designed to accept a minimum of 40,000 tons-per-year of food and/or farm waste generated in Connecticut, which shall be processed separately from any biosolids or organic material separated from mixed Municipal Solid Waste. Food and/or farm waste may include source-separated food waste, fats, oils and grease (FOG), yard waste, and animal manure, subject to any limitations specified within any permits that may be required. Source-separated food waste may be co-digested with fats, oils and grease (FOG), yard waste, or animal manure, subject to any limitations specified within any permits that may be required. A separate process may be provided at the same facility to digest biosolids or organic material separated from mixed Municipal Solid Waste.

The post-digestion residue of any source-separated food waste must be beneficially used as a compost, soil amendment, or other product. The disposal and/or use of post-digestion residue derived from biosolids or organic material separated from mixed Municipal Solid Waste shall be in accordance with applicable laws and regulations of the state and the conditions of any permits that may be required.

The final emissions of NO<sub>x</sub> to the atmosphere from the generation equipment and associated emissions control equipment shall not exceed the equivalent of 2.0 grams per brake-horsepower hour.

#### Offshore Wind

An Eligible Bidder that has also submitted a proposal in response to the RFP for Long-Term Contracts for Offshore Wind Projects pursuant to Massachusetts Section 83C of Chapter 169 of the Act of 2008, as amended, issued by the Massachusetts Electric Distribution companies, in coordination with the Massachusetts Department of Energy Resources, on June 29, 2017 (“MA RFP”) must submit a copy of the complete, unredacted proposal submitted by the Eligible Bidder or any affiliate of the Eligible Bidder in response to the MA RFP as an attachment to any proposal submitted in response to this RFP. The Evaluation Team may use such copy to assess the reasonableness of the proposal, including pricing, compared to any proposals submitted in response to the MA RFP. The bidder should also indicate if any terms of the bid into the MA RFP could/would change if the project is selected in this RFP, including but not limited to, contract price.

Any offshore wind proposal that includes activities within LIS shall include a detailed description of how the project would be consistent with the goals and policies set forth in Sections 22a-92 and 25-157t(b) of the General Statutes, which calls for the development of a LIS Resource and Use Inventory and LIS Blue Plan. Such detailed description shall include a discussion and analysis of the potential impacts to natural resources, ecosystems, and traditional or existing water dependent uses, including but not limited to fishing and aquaculture, and shall reference the applicable information and data compiled by the New York Geographic Information Gateway <http://opdgig.dos.ny.gov/#/home>, the Northeast Ocean Data Portal <http://www.northeastoceandata.org/>, the Mid-Atlantic Ocean Data Portal <http://midatlanticocean.org/data-portal/>, or the CT DEEP [http://www.ct.gov/deep/cwp/view.asp?a=2698&q=322898&deepNav\\_GID=1707](http://www.ct.gov/deep/cwp/view.asp?a=2698&q=322898&deepNav_GID=1707).

Any offshore wind proposal that includes in-water activities outside of LIS shall include a detailed description of how the project would be consistent with all applicable marine spatial plans, including but not limited to the New York Ocean Action Plan, the Rhode Island Ocean SAMP, the Massachusetts Ocean Plan, and the Northeast Regional Ocean Plan. Such detailed description shall include a discussion and

analysis of the potential impacts to natural resources, ecosystems, and traditional or existing water dependent uses, including but not limited to fishing and aquaculture, and shall reference the information and data compiled pursuant to applicable marine spatial plans.

### Fuel Cell

Any fuel cell proposal utilizing natural gas must demonstrate they have primary firm delivery for natural gas to the facility.

Any fuel cell proposal must indicate whether or not the proposed facility will generate any wastes during operation, and if so, whether or not those wastes are hazardous wastes. As background information and for informational purposes to the entity submitting a proposal, the following can be provided to identify the regulatory landscape:

Some fuel cells are capable of generating hazardous waste during operation. For example, fuel cells may have desulfurization filters that must be replaced from time to time and that contain one or more hazardous waste constituents in excess of the Resource Conservation and Recovery Act (“RCRA”) regulatory limits. US EPA has issued a nationwide regulatory interpretation indicating that removable filters with hazardous contents must be managed as hazardous waste beginning at the time they are disconnected.<sup>22</sup> Fuel cells may also be subject to management as hazardous waste at the end of their operating life. For example, fuel cells may contain an electrolyte that contains one or more hazardous waste constituents in excess of RCRA regulatory limits. The above-referenced guidance would also apply to intact fuel cells or components of fuel cells that are shipped off-site for recycling or disposal.

## **2.3 STAGE TWO – QUANTITATIVE AND QUALITATIVE ANALYSIS**

Proposals that meet the requirements of the Stage One review will be subject to a quantitative and qualitative analysis in Stage Two of the evaluation process. The Evaluation Team will evaluate and score each resource category of projects separately based on the parameters detailed below. All resource categories will be evaluated using the same evaluation criteria detailed below. The results of the quantitative and qualitative analysis will be a relative ranking and scoring of all proposals for each resource category. Stage 2 scoring will be based on a 100-point scale. Proposals will be scored with up to 75 points for quantitative factors. The remaining 25 points will be scored for qualitative factors for purposes of conducting the Stage Two evaluation. The Evaluation Team will compare the total scoring results from a Proposal against the results of other Proposals within the same resource category and within other resource categories.

In order to allow for the possibility of selection of proposals from each resource category, the Selection Team may make a selection decision based on each resource category and selection of one category is not contingent on selection in another category.

### **2.3.1 EVALUATION USING QUANTITATIVE EVALUATION CRITERIA**

The quantitative evaluation will take place in multiple steps. The first step will be a screening process wherein the Evaluation Team will compare bids directly and determine whether one or more bids are not

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<sup>22</sup>[https://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/C4F736ED4343F0A08525809100527309/\\$file/14884.pdf](https://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/C4F736ED4343F0A08525809100527309/$file/14884.pdf).

economically competitive when compared to other bids. If the consensus view of the Evaluation Team and the Department Consultant is that one or more bids are not economically competitive enough to be selected irrespective of qualitative evaluation results or indirect benefits, then such bids will not proceed to the next step of the quantitative evaluation. Bids that proceed in the quantitative evaluation will be evaluated based on a combination of their indirect economic benefits and direct contract price benefits where applicable.

#### **2.3.1.1 INDIRECT ECONOMIC BENEFITS**

The quantitative evaluation process will include an evaluation of the indirect economic benefits to customers using the outputs from a zonal electric market simulation model. The indirect economic benefits will be measured for Connecticut customers by comparing the model outputs with and without the bid. Benefits to be considered are based on a weighting of the change in LMP and the change in production cost.

The reference case system topology will be based on the most recently available ISO New England Capacity, Energy, Load and Transmission (“CELT”) report. The Evaluation Team may use representative projects to estimate the indirect benefits of projects that are bid that are similar in technology type, size and delivery location. The delivery profile of Paired and Co-located Energy Storage projects may be specifically evaluated. For example, such proposals could be individually run in electric market simulation model and not by a representative project.

For bids that include Qualified Clean Energy and RECs with Paired and Co-located Energy Storage, an energy production and Delivery profile must be submitted both with and without Paired and Co-located Energy Storage systems in order to appropriately reflect the impact of the proposed schedule to store and release energy. The energy profile with Energy Storage will be evaluated to determine the direct and indirect benefits for Paired and Co-located Energy Storage systems.

#### **2.3.1.2 DIRECT CONTRACT BENEFITS**

Direct contract price benefits will be evaluated using a mark-to-market comparison of the purchase price of the Qualified Clean Energy and RECs purchased under an Agreement to the projected market prices for energy and RECs at the Delivery point with the project in-service.

For bids that include Qualified Clean Energy and RECs with Paired and Co-located Energy Storage, the direct contract price benefits will be evaluated using a mark-to-market comparison of the purchase price of the Qualified Clean Energy from Class I Resources without the Paired and Co-located Energy Storage system to their projected market prices associated with the energy profile including the Paired and Co-located Energy Storage.

#### **2.3.1.3 QUANTITATIVE EVALUATION METRICS**

The quantitative evaluation will use a multi-year net present value analysis to preliminarily rank all projects that pass the initial screening (described in Section 2.3.1). For purposes of computing the net present value, a nominal discount factor of 7% will be used. The metric used for ranking bids will be the ratio of the net present value of direct and indirect benefits to net present value costs of the projects.



The Qualifying Clean Energy production profile (or, in the case of a Paired and Co-located Energy Storage project, the storage and discharge profile) provided by the Eligible Bidder will be evaluated for reasonableness. It is the bidder's responsibility to support the basis for all estimates and underlying assumptions. The Evaluation Team reserves the right to modify any bidder production profile or estimated cost (i.e., use a different profile or estimated cost from that provided by the bidder) or any other estimate in order to produce a reasonable and appropriate evaluation.

### **2.3.2 QUALITATIVE EVALUATION**

The qualitative evaluation will consist of the factors mandated by the Procurement Statutes as well as factors deemed important by the Evaluation Team, identified in Section 2.3.2.1 below. The purpose of such criteria is to permit evaluation of Connecticut-specific factors, including reliability, economic and environmental impacts.

#### **2.3.2.1 FACTORS TO BE ASSESSED IN QUALITATIVE EVALUATION FOR ALL RESOURCES**

The qualitative factors that will be assessed are summarized as follows:

- 1) Project viability, including but not limited to:
  - a) Project team experience
  - b) Demonstration of community support, for example, through letters of support from local officials
  - c) Status of federal, state, and local permits
  - d) Status of interconnection
- 2) Impacts on environmental quality and natural resources based on the environmental assessment detailed in Section 7.3 of Appendix B , including but not limited to:
  - a) Impacts to water resources
  - b) Ecological and natural resource impacts
  - c) Land use impacts
- 3) Emissions reductions, including greenhouse gases and other emissions, and the use of combined heat and power systems, as applicable
- 4) Additional benefits, including but not limited to:
  - a) Consistency with the policy goals outlined in the Connecticut Comprehensive Energy Strategy
  - b) Technology benefit within technology type, including
    - i) For offshore wind, whether the project includes energy storage
    - ii) For anaerobic digestors, consistency with the policy goals outlined in the Comprehensive Materials Management Strategy, as applicable
    - iii) For fuel cells, efficiency within the technology type
  - c) Whether the proposal's decommissioning plan and waste management is strong
- 5) Economic development benefits to Connecticut residents, including but not limited to:
  - a) Contribution to state and local revenues
  - b) Construction period direct state employment and revenues
  - c) Operations period direct state employment
- 6) Contribution toward Connecticut's installed capacity and local sourcing requirements
  - a) Improvements to distribution system reliability in Connecticut

The quantitative evaluation may be conducted before the qualitative evaluation, and the Evaluation Team may elect not to conduct the qualitative evaluation for any proposal that could not be selected based upon the quantitative results even if it received the maximum possible qualitative score. It is expected that not all proposals will pass to Stage Two and that not all proposals evaluated in Stage Two will be offered the opportunity to proceed to contract negotiation.

The Selection Team will consider the quantitative and qualitative evaluation results and rankings to determine projects for selection. The DEEP Commissioner will make the selection of any projects, in consultation with the Procurement Manager, OCC, and the AG, and with the assistance of the Department Consultant.

The Procurement Statute (Appendix F) allows the DEEP Commissioner to direct the Connecticut EDCs to enter into Agreements.

Bidders will not be offered the opportunity to refresh their pricing.

## **2.4 CONTRACTING/TARIFF PROCESS**

### **2.4.1 Agreements**

Eligible Bidders will be notified whether they have been selected to enter into contract negotiations with the EDCs.

The selected Eligible Bidders will negotiate separate conforming contracts with both EDCs. The EDCs will then negotiate to contract for their load ratio share. Contract finalization and execution between the selected Eligible Bidders and the EDCs may occur on a rolling basis throughout the period during which the proposals are valid. The EDCs have developed a standard PPA included in Appendix C and will not accept material changes to PPA that affect the allocation of risk between the parties.

### **2.4.2 Security**

Eligible Bidders who are selected will be required to post Security.

The required level of Security is provided in the Form of Agreement relevant to the bid and will also be included in the executed Agreement. Fifty percent (50%) of the Security must be provided to the EDCs at the time of contract execution. The remaining fifty percent (50%) of the Security must be provided upon regulatory approval of the Agreement. Security will be promptly returned if PURA does not approve the Agreement.

The required Security must be in the form of a cash deposit or a letter of credit from a U.S. commercial bank or the U.S. branch of a foreign bank that meets the requirements provided in the form Agreements in Appendix C.

## **2.5 REGULATORY APPROVAL**

Any Agreement entered into pursuant to the Procurement Statute shall be subject to review and approval by PURA, which review shall be completed no later than sixty days after the date on which such Agreement is filed with PURA.

### **III. INSTRUCTIONS TO BIDDERS**

#### **3.1 QUESTIONS FROM BIDDERS AND NOTICE OF INTENT TO BID**

Prospective bidders are encouraged to submit questions about this RFP to the Department on or before the deadline for submission of questions listed in the schedule. The Department will answer questions submitted by that deadline by posting such answers on its website under Procurement of Clean Energy and Renewable Resources Pursuant to Public Acts 13-303, 15-107 and 17-144.

Prospective bidders are encouraged to submit a Notice of Intent to Bid form, which is attached as Appendix A to this RFP. The Department will endeavor to email updates regarding this RFP to prospective bidders who submit a Notice of Intent to Bid. This does not relieve prospective bidders of their responsibility to check the website for news and updates. Prospective bidders who submit a Notice of Intent to Bid are not obligated to submit a proposal, and proposals will be accepted from Eligible Bidders who do not submit a Notice of Intent to Bid.

#### **3.2 PREPARATION OF PROPOSALS**

Each Eligible Bidder shall have sole responsibility for carefully reviewing this RFP and for thoroughly investigating and informing itself with respect to all matters pertinent to this RFP and its proposal, including pertinent interconnection standards, EDC and ISO-NE tariffs, ISO-NE Market Rules and other information. Eligible Bidders should rely on information provided in this RFP when preparing their proposals. Each Eligible Bidder shall be solely responsible for and shall bear all of its costs incurred in the preparation of its proposal and/or its participation in this RFP.

#### **3.3 ORGANIZATION OF THE PROPOSAL**

Eligible Bidders are required to organize their proposal consistent with the Submission Instructions in Appendix B. The organization and contents of the proposal should be organized as follows:

1. Certification, Project and Pricing Data (CPPD form)
2. Executive Summary of the Proposal
3. Operational Parameters
4. Energy Resource Plan
5. Financial/Legal
6. Siting, Interconnection, and Deliverability
7. Environmental Assessment, Permit Acquisition Plan and Class I Certification
8. Engineering and Technology; Commercial Access to Equipment
9. Operation and Maintenance
10. Project Schedule (includes multiple sites, if applicable)
11. Project Management/Experience
12. Emissions

13. Contributions to Employment and Economic Development

14. Exceptions to the Form of Agreement applicable to the Eligible Project

The Eligible Bidder must also provide the information specified in the following Appendices:

Appendix D – Certification

Appendix E - Consent to Submittal to PURA

### **3.4 UPDATES TO PROPOSAL**

After proposal submissions, an Eligible Bidder may provide new information, e.g., the status of obtaining permits and financing, to the Evaluation Team about the Eligible Project that was not available at the time of proposal submission. These updates are for informational purposes only and will not be treated as a change or revision to the terms of the bidder’s proposal by the Evaluation Team. Eligible Bidders are not permitted to submit substantive revisions to their proposals, such as changes in pricing, specifications in the size or operation of the project, etc. The Evaluation Team reserves the right to ask for pricing updates before selection if it determines it is appropriate and the same opportunity is offered to all bidders for projects that passed Stage One of the evaluation.

### **3.5 REQUESTS FOR ADDITIONAL INFORMATION**

Following the submission of proposals, the Evaluation Team may request clarification and additional information from Eligible Bidders at any time during the evaluation process. Eligible Bidders who do not respond promptly to such information requests or do not provide adequate information may be eliminated from further consideration or have the information in their proposals modified by the Evaluation Team and the Department Consultant to produce a reasonable and appropriate evaluation.

### **3.6 LIMITATION OF LIABILITY**

Neither this RFP nor any other aspect of this solicitation shall create an agency, partnership, joint venture, or cotenancy relationship among DEEP, the members of the Evaluation Team or the Selection Team or any other individuals or entities involved in the development or administration of this RFP (collectively, the “RFP Parties”), nor any other relationship or liability beyond those (if any) explicitly adopted in writing and executed by authorized representatives of the applicable RFP Parties. None of the RFP Parties shall be liable for any act or omission of any other RFP party. Neither this RFP nor any other aspect of this solicitation creates or is intended to create third party beneficiaries hereunder. In no event will an RFP party be liable to any person for special, incidental, punitive, exemplary, indirect or consequential damages or lost profits, whether by statute, in tort or contract or otherwise.

# APPENDIX A

## NOTICE OF INTENT TO BID

1. Company Name: \_\_\_\_\_

2. Project Name: \_\_\_\_\_

3. Contact Person Information:

|                   |  |
|-------------------|--|
| Name:             |  |
| Title/Position:   |  |
| Mailing Address:  |  |
| Telephone Number: |  |
| Fax Number:       |  |
| E-mail Address    |  |

4. Project Size (MW): \_\_\_\_\_

5. Project Location(s): \_\_\_\_\_

6. Estimated Commencement of Construction Date(s) (Month-Year): \_\_\_\_\_

Estimated Commercial Operation Date(s) (Month-Year): \_\_\_\_\_

7. Authorized Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

Bidders should send the Notice of Intent to Bid Form by February 28, 2018 to the Department to [DEEP.EnergyBureau@ct.gov](mailto:DEEP.EnergyBureau@ct.gov)

## APPENDIX B

### Proposal Submission Instructions

All proposals shall be submitted in accordance with Section 1.3 of the RFP. Proposals should be organized into the following Sections:

1. Certification, Project and Pricing Data (CPPD) Form
2. Executive Summary of the Proposal
3. Operational Parameters
4. Energy Resource Plan
5. Financial/Legal
6. Siting, Interconnection, and Deliverability
7. Environmental Assessment, Permit Acquisition Plan and Class I Certification
8. Engineering and Technology, Commercial Access to Equipment
9. Operation and Maintenance
10. Project Schedule
11. Project Management/Experience
12. Emissions
13. Contribution to Employment and Economic Development
14. Exceptions to the applicable Form Agreement
15. Appendix D – Certification
16. Appendix E - Consent to Submittal to PURA

Directions for each section are outlined below. Each section must be filled out in its entirety with all of the supporting information requested. If any section is not applicable it should be so stated with a full explanation.

#### **1. CERTIFICATION, PROJECT AND PRICING DATA**

The Certification, Project and Pricing Data (“CPPD”) document is a Microsoft Excel workbook that will be provided on the website under Procurement of Clean Energy and Renewable Resources Pursuant to Public Acts 13-303, 15-107 and 17-144 at the release of the final RFP.

The CPPD must be submitted as a working Microsoft Excel file. Parties may also submit a signed PDF in addition to the working Microsoft Excel file. The CPPD document has up to eight parts, listed below. If the bidder provides information in other sections of its proposal that conflicts with the information provided in the CPPD, the CPPD shall be considered to contain the governing and binding information for both the

evaluation and any resulting contract offer.<sup>23</sup> The bidder may provide up to three different offers on terms and/or pricing (e.g., 10 year and 15 year) for the same facility, which should be submitted on a single CPPD.

- Part I Guidelines and Instructions for completing the spreadsheet
- Part II Proposal Certification Form
- Part III Bid and Contact Information  
Information includes term(s), pricing type and contact information.
- Part IV Project Information  
Information includes Guaranteed Commercial Operation Date or equivalent, size, output, dates, technology, location, Delivery Point, capacity factor, Contract Maximum Amount and other technical information.
- Part V Operational Information  
Information includes on-peak and off-peak energy profiles and other operational data
- Part VI Pricing Information  
Information includes annual peak and off-peak contract energy by contract year and corresponding prices, and, where applicable, RECs by contract year and corresponding prices, and alternative pricing. Information for up to five offers is inputted on five separate print pages of the worksheet.
- Part VII ISO-NE Forward Capacity Market  
Information regarding the resource's participation in the ISO-NE Forward Capacity Market
- Part VIII Emissions Data  
Information regarding emission rates for Eligible Projects.

**2. EXECUTIVE SUMMARY OF THE PROPOSAL (INCLUDING THE BASE PROPOSAL AND ANY ALTERNATIVE PROPOSALS)**

The bidder is required to provide an executive summary of the proposal that includes a complete description of the proposed project, the proposed contract term and pricing schedule, and other factors the bidder deems to be important.

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<sup>23</sup> One exception is that if operational information in Part VI of the CPPD conflicts with information elsewhere in the proposal or information otherwise known, the energy production information in Part VI of the CPPD may be modified in conducting the price evaluation.

### **3. OPERATIONAL PARAMETERS<sup>24</sup>**

3.1 Maintenance Outage Requirements – Specify partial and complete planned outage requirements in weeks or days. Also, list the number of months required for the cycle to repeat (e.g., list time interval of minor and major overhauls, and the duration of overhauls).

3.2 Operating Constraints – Specify all the expected operating constraints and operational restrictions for the project (e.g., limits on the number of hours a unit may be operated per year or unit of time, storage capacity, maximum length of time for storage).

3.3 Reliability – Describe how the proposal would provide enhanced electricity reliability within the state of Connecticut, including its impact on transmission constraints.

3.4 Moderation of System Peak Load – Describe how the proposal would contribute to moderating system peak load requirements. If the Eligible Project is an intermittent resource, provide the following information:

- a) Estimated average output for each summer period (June- September) from 1:00 - 6:00 pm E.P.T.
- b) Estimated average output for each winter period (October-May) from 5:00 – 7:00 pm E.P.T.

For Paired and Co-located Energy Storage, provide this information with and without Energy Storage included.

3.5 Development Plan for the Facility –

Explain in detail the development status of the project.

If the proposed project is an expansion, repowering, environmental investment or other modification of an existing facility, describe the project in detail, the total cost and cost on a \$/MW basis, specifying the existing project and the proposed expansion, repowering or other modification. Indicate any incremental capacity.

3.6 For any project that has also submitted a proposal in response to the MA RFP, submit a copy of the complete, unredacted proposal submitted by the Eligible Bidder or any affiliate of the Eligible Bidder in response to the MA RFP.

### **4. ENERGY RESOURCE PLAN**

For Eligible Projects, the bidder is required to provide an energy resource or fuel supply plan for its proposed project, including supporting documentation. The fuel supply/energy resource profile information should be consistent with the type of technology/resource option proposed and the term proposed. The information requested is organized according to the type of project or energy resource. Bidders should respond only to relevant questions.

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<sup>24</sup> Sections 3.1 to 3.5 are not applicable to Passive Demand Response measures. Section 3.6 only applies to Passive Demand Response measures.



### **Offshore Wind**

Provide a summary of all collected wind data for the proposed site. Identify when the data was collected and by whom.

Indicate where the data was collected and its proximity to the proposed site. Include an identification of the location and height for the anemometers that were used to arrive at an assessment of the site generation capability.

Provide (a) at least one year of hourly wind resource data, or (b) a wind resource assessment report from a qualified resource assessment firm or meteorologist, or (c) both. Include an analysis of the available wind data that addresses the relationship between wind conditions and electrical output. Provide a projection of net annual energy production, including projections of average net hourly energy production, based on the wind resource data (a 12 x 24 energy projection).

Provide a site-adjusted power curve. Each curve should list the elevation, temperature and air density used.

Indicate whether the project will generate any waste during operation and identify what waste will be generated.

### **Fuel Cell**

Describe how the natural gas for the Fuel Cell will be procured and delivered, and demonstrate that deliveries will be on a primary firm basis.

Provide supporting data that illustrates the expected generation from the fuel cell over the term of the contract considering the need for restacking.

Indicate whether the project will generate any waste during operation and identify what waste will be generated.

Describe the combined heat and power system utilized, as applicable, including but not limited to the square footage of the building(s) utilizing the waste heat.

### **Anaerobic Digestion**

Does the bidder have any commitments from fuel suppliers? If so, please provide a copy of any agreements with confidential information redacted if necessary.

What is the availability of the fuel supply?

How many tons per year of source separated food waste is the facility designed to accept?

Provide a description of the fuel source(s), including any separate processing of fuel sources like food waste, biosolids, organic material, mixed Municipal Solid Waste, fat, oil and grease, yard waste, animal manure, etc.

Provide a description of the plan to use any post-digestion residue, including that derived from *source-separated* food waste and biosolids or organic material separated from mixed Municipal Solid Waste.

Describe the end markets/uses of any residual materials. Demonstrate that the post-digestion residue of any source-separated food waste be beneficially used as a compost, soil amendment, or other product.

Review Connecticut's commercial organics recycling law

([http://www.ct.gov/deep/cwp/view.asp?a=2718&q=552676&deepNav\\_GID=1645](http://www.ct.gov/deep/cwp/view.asp?a=2718&q=552676&deepNav_GID=1645)) and map of facilities (<http://www.depdata.ct.gov/maps/recycling/foodresidualmap.htm>). Describe whether the proposed facility is expected to source waste from large commercial generators, curbside organics collection, or other sources.

Indicate whether the project will generate any waste during operation and identify what waste will be generated.

## **5. FINANCIAL/LEGAL**

Bidders are required to demonstrate the financial viability of their proposed project. Bidders should provide the following information:

5.1 Provide a description of the business entity structure of the bidder's organization from a financial and legal perspective, including any general and limited partners, officers, directors, managers, members and shareholders, involvement of any subsidiaries supporting the project, and the providers of equity and debt during project development. Provide an organization chart showing the relationship between the equity participants and an explanation of the relationships. For jointly owned facilities, identify all owners and their respective interests, and document the bidder's right to submit a binding proposal.

For EDC or EDC affiliate bids, the bidders shall specify the transaction and/or corporate structure that will allow the contracts to be executed with the EDCs.

5.2 Provide a description of the financing plan for the project, including construction and term financing. The financing plan should address the following:

- i. Who will finance the project and how it will be financed
- ii. The project's projected financial structure over the term of the contract
- iii. Expected sources of debt and equity financing
- iv. Estimated construction costs, including but not limited to interconnection costs
- v. The projected capital structure over the term of the contract
- vi. Describe any agreements entered into with respect to equity ownership in the proposed project and any other financing arrangement.

In addition, the financing plan should address the status of the above activities as well as the financing of development and permitting costs. All bidders are required to provide this information.

5.3 Provide documentation illustrating the experience of the project sponsor in securing financing for projects of similar size and technology. For each project previously financed provide the following information:

- i. Project name and location

- ii. Project type and size
- iii. Date of construction and permanent financing
- iv. Form and amount of debt and equity financing

5.4 Provide evidence that the bidder has the financial resources and financial strength to complete and operate the project as planned.

5.5 If available, provide copies of the most recent audited financial statement or annual report for the bidder for each of the past three years; including affiliates of the bidder (if audited statements are not available, unaudited statements are to be provided). Also, provide the credit ratings from Standard & Poor's and Moody's (the senior unsecured long term debt rating or if not available, the corporate rating) of the bidder and any affiliates and partners.

5.6 The bidder should demonstrate its ability (and/or the ability of its credit support provider) to provide the required security, including its plan for doing so.

5.7 Provide a description of any current or recent credit issues/credit rating downgrade events regarding the bidder or affiliate entities raised by rating agencies, banks, or accounting firms.

5.8 Describe the role and the amount of the Federal Production Tax Credit or Investment Tax Credit (or other incentives) on the financing of the project.

5.9 Bidders, including any general and limited partners, officers, directors, managers, members, shareholders, and subsidiaries, must disclose any pending (currently or in the past five years) or threatened litigation or disputes related to projects developed, including but not limited to environmental compliance disputes, owned or managed by bidder or any of its affiliates in the United States, or related to any energy product sale agreement.

5.10 Bidders should specify the expected operating life of the proposed project.

5.11 Provide documentation of financing, or a commitment of financing, and state whether the financing is contingent on obtaining a long-term agreement, such as one that would be obtained if the bidder's proposal is accepted. If financing has not been obtained, explain how obtaining a long-term agreement as proposed will help you in obtaining financing for the proposed project or in obtaining more favorable terms for the financing of the proposed project.

5.12 State whether the bidder or its affiliates have executed agreements with respect to energy, RECs and/or capacity for the project (including any agreements that have been terminated) and provide information regarding the associated term and quantities, and whether bidder has been alleged to have defaulted under or breached any such agreement.

5.13 Provide a description of bidder and all affiliated entities and joint ventures transacting business in the energy sector.

5.14 Has bidder, or any affiliate of bidder, in the last five years, (a) consented to the appointment of, or was taken in possession by, a receiver, trustee, custodian or liquidator of a substantial part of its assets, (b) filed a bankruptcy petition in any bankruptcy court proceeding, (c) answered, consented or sought relief under any bankruptcy or similar law or failed to obtain a dismissal of an involuntary petition, (d)

admitted in writing of its inability to pay its debts when due, (e) made a general assignment for the benefit of creditors, (f) been the subject of an involuntary proceeding seeking to adjudicate that party bankrupt or insolvent, or (g) sought reorganization, arrangement, adjustment, or composition of it or its debt under any law relating to bankruptcy, insolvency or reorganization or relief of debtors?

5.15 Briefly describe any known conflicts of interest between bidder or an affiliate of bidder and any entity on the Evaluation Team, or any affiliate of the foregoing.

5.16 Describe any litigation, disputes, claims or complaints involving the bidder or an affiliate of bidder, against any entity on the Evaluation Team or any affiliate of any entity of the foregoing.

5.17 Describe any litigation, disputes, claims or complaints, or events of default or other failure to satisfy contract obligations, or failure to deliver products, involving bidder or an affiliate of bidder, and relating to the purchase or sale of energy, capacity or renewable energy certificates or products.

5.18 Confirm that bidder, and the directors, employees and agents of bidder and any affiliate of bidder are not currently under investigation by any governmental agency and have not in the last four years been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction involving conspiracy, collusion or other impropriety with respect to bidding on any contract, or have been the subject of any debarment action (detail any exceptions).

5.19 Identify all regulatory, corporate, and other approvals needed by bidder to execute a binding sale agreement.

5.20 Describe how the project will conform to FERC's applicable regulatory requirements, including, but not limited to, FERC requirements relating to allocation of transmission capacity and open access, the justness and reasonableness of rates, the potential for undue preference or discrimination, and affiliate dealings, if any.

## **6. SITING, INTERCONNECTION, AND DELIVERABILITY**

This section of the proposal addresses project location, siting, real property rights and interconnection issues. Bidders should ensure that the threshold criteria outlined in Section 2.2 of the RFP for generation and interconnection siting are verified in their responses.

6.1 Provide a site plan including a map of the site that clearly identifies the location of the Eligible Project site, the assumed right-of-way width, the total acreage for Eligible Projects, the anticipated electric interconnection point, and the relationship of the site to other local infrastructure, including transmission facilities, roadways, and water sources. In addition to providing the required map, provide a site layout plan that illustrates the location of all major equipment and facilities on the site. If the project is a fuel cell, indicate the right-of-way if an extension to the natural gas delivery system is required to interconnect the project.

6.2 Provide evidence (including applicable documentation) of the right to use the Eligible Project site and Interconnection route, including, for Eligible Projects, any rights of way needed for electric and gas interconnection.

- i. Does the project have a right to use the Eligible Project site and interconnection route for the entire proposed term of the Agreement (e.g., by virtue of ownership or land development rights obtained from the owner)?
- ii. If so, please detail the bidder's rights to control the Eligible Project site.
- iii. Identify any real property rights (e.g., fee-owned parcels, rights-of-way, development rights or easements or leases) that are required for access to the Eligible Project site and/or for interconnection. Describe the status of acquisition of real property rights, any options in place for the exercise of these rights and describe the plan for securing the necessary real property rights, including the proposed timeline. Include these plans and the timeline in the overall project timeline.

6.3 Provide evidence that the Eligible Project site and interconnection route is properly zoned or permitted. If the Eligible Project site and interconnection route is not currently zoned or permitted properly, identify present and required zoning and/or land use designations and permits and provide a permitting plan and timeline to secure the necessary approvals.

6.4 Provide a description of the area surrounding the Eligible Project site and interconnection route, including a description of the local zoning, flood plain information, existing land use and setting (woodlands, grasslands, agriculture, other).

6.5 For Eligible Projects, describe and provide a map of the proposed interconnection that includes the path from the generation site to the ISO-NE Pool Transmission Facilities ("PTF"). Describe how the bidder plans to gain interconnection site control.

6.6 Please describe the status of any planned interconnection to the grid. Has the bidder made a valid interconnection request to ISO-NE (provide queue position), the applicable interconnecting transmission or distribution company, or any neighboring control areas? Describe the type of interconnection service requested, i.e., Capacity Network Resource Interconnection Service or Capacity Network Import Interconnection Service. If participating in the FCM, provide detailed information on how it intends to clear in the primary auction. For projects 20 MW or greater, what are the maximum expected interconnection costs for the Eligible Project?

6.7 Describe the Project's electrical system performance and its impact to the reliability of the New England Transmission system. Provide the status of any interconnection studies already underway with ISO-NE and/or the transmission owner. Provide a copy of any studies completed to date. Provide a copy of an interconnection agreement, if any, executed by the bidder with respect to the proposed project. If an interconnection agreement has not been executed, please provide the steps that need to be completed before an interconnection agreement can be executed and the associated timeline.

6.8 Provide the electrical models of all energy resources supporting the proposed project in accordance with the filing requirements of the ISO-NE Tariff Schedule 22 and 23.

6.9 Provide a copy of an electrical one-line diagram showing the interconnection facilities and the relevant facilities of the transmission provider.

6.10 Specify and describe the current or new interconnection facilities (lines, transformers, switching equipment, system control protection, etc.) that bidder owns or is intending to construct or have constructed in order to deliver the proposed energy.

## **7. ENVIRONMENTAL ASSESSMENT, PERMIT ACQUISITION PLAN AND CLASS I CERTIFICATION**

This section addresses environmental and other regulatory issues associated with project siting, development and operations. Note that for any project that requires a permit, license, or environmental review over which DEEP has jurisdiction, the selection of a bid pursuant to this RFP in no way confers preferential treatment, prejudices, or otherwise affects the integrity of DEEP's determination with respect to such permit, license, or environmental review.

7.1 Provide a list of all the permits, licenses, and environmental assessments and/or environmental impact statements required. If a bidder has secured any permit or has applied for a permit, please identify in the response.

- i. Provide a list of all Federal, state and local permits, licenses, and environmental assessments and/or environmental impact statements required to construct and operate the project.
- ii. Identify the governmental agencies that will issue or approve the required permits, licenses, and environmental assessments and/or environmental impact statements.

7.2 Provide the anticipated timeline for seeking and receiving the required permits, licenses, and environmental assessments and any documentation supporting such anticipated timeline. Include a project approval assessment that describes, in narrative form, each segment of the process, the required permit or approval, the status of the request or application and the basis for projection of success by the milestone date. All requirements should be included on the project schedule in Section 10.

7.3 Provide a preliminary environmental assessment of the site and project, including both construction and operation, as applicable. In addition, the bidder should identify environmental impacts associated with the proposed project, any potential impediments to development, and its plan to mitigate such impacts or impediments. The bidder should also describe whether the project makes positive re-use of a previously disturbed site, including landfills or brownfields. The analysis should address each of the major environmental areas presented below, as applicable to the proposed project:

- i. Impacts to water resources, including but not limited to wetlands, waterbodies, watercourses, groundwater, and public water supplies. Describe any impacts to wetlands or wetland soils, drinking water, and how those impacts will be avoided, reduced, and mitigated if necessary, consistent with federal policy on no net loss of wetlands. If an impact is likely to occur, plans to reduce and mitigate must be clearly documented. The assessment for wetlands should include a vernal pool assessment, proposed setbacks from wetlands and vernal pools, and avoidance or mitigation measures take to reduce wetland impacts.
- ii. Ecological and natural resources impacts, including any impacts to endangered, threatened or special concern species listed on the DEEP Natural Diversity Data Base. For offshore wind projects, describe fishery, avian, and marine mammal impacts and mitigation measures.

- iii. Land use impacts - Describe how the project conforms to applicable state plans directing conservation and development and other natural resource plans. Describe any impacts to prime farmland and agricultural soils and the plan to mitigate such impacts or impediments. Describe any impacts to forest resources, including acreage and type of forest impacted, and measures taken to avoid or lessen forest resource impacts. Describe any previous site use, i.e. brownfield, landfill, industrial, etc.

7.4 Provide documentation identifying the level of public support for the project including letters from public officials, newspaper articles, etc. Include information on specific localized support and/or opposition to the project of which the bidder is aware. Provide copies of any agreements with communities and other constituencies impacted by the project, and a plan for community outreach activities, and discuss the status of that plan.

7.5 For bids that include Class I Qualified Clean Energy, provide documentation demonstrating that the project was or will be qualified as a Class I renewable energy source.

7.6 Identify any existing, preliminary or pending claims or litigation, or matters before any federal agency or any state legislature or regulatory agency that might affect the feasibility of the project or the ability to obtain or retain the required permits for the project.

7.7 All bids must provide a plan for decommissioning and removal of the facility at the end of its useful life. All bids must provide a plan for the facility at the end of the PPA with the EDCs, should the Proposal be selected and a PPA be successfully negotiated. All fuel cell bids must describe how the fuel cell will be removed from operation, any dismantling of the fuel cell that may be required, and how the fuel cell, any fuel cell contents or components, and any other wastes generated during dismantling will be managed in compliance with applicable waste management requirements.

7.8 Demonstrate that the project site will not impact Core Forest.

7.9 For offshore wind proposals, include information required by Section 2.2.15 as applicable to the proposal.

7.10 For fuel cell proposals, does the facility have a Hazardous Waste Management Plan that describes how such wastes will be managed so as to minimize potential impacts to the project site, and to ensure that the hazardous waste is stored, transported, and recycled or disposed with applicable hazardous waste requirements? If yes, please provide.

7.11 For any project that includes activities within Long Island Sound ("LIS"), include a detailed description of how the project would be consistent with the goals and policies set forth in Sections 22a-92 and 25-157t(b) of the General Statutes, which calls for the development of a LIS Resource and Use Inventory and LIS Blue Plan.

## **8. ENGINEERING AND TECHNOLOGY; COMMERCIAL ACCESS TO EQUIPMENT**

This section includes questions pertinent to the engineering design and project technology. This section must be completed for a project that includes new facilities or capital investments. Bidders should provide

information about the specific technology or equipment including the track record of the technology and equipment and other information as necessary to demonstrate that the technology is viable.

8.1 Provide a reasonable but preliminary engineering plan that includes the following information, which includes demonstrated performance consistent with such preliminary engineering plan, as applicable:

- i. Type of resource technology, if applicable
- ii. Major equipment to be used
- iii. Manufacturer of the equipment
- iv. Status of acquisition of the equipment
- v. Whether the bidder has a contract for the equipment. If not, describe the bidder's plan for securing equipment and the status of any pertinent commercial arrangements
- vi. Equipment vendors selected/considered
- vii. History of equipment operations
- viii. If the equipment manufacturer has not yet been selected, identify in the equipment procurement strategy the factors under consideration for selecting the preferred equipment

8.2 If the bidder has not yet selected the major generation equipment for a project, please provide a list of the key equipment suppliers under consideration, if available.

8.3 Please identify the same or similar equipment by the same manufacturer that is presently in commercial operation including the number installed, installed capacity and estimated generation for the past three years.

8.4 For less mature technologies, provide evidence (including identifying specific applications) that the technology to be employed for energy production is ready for transfer to the design and construction phases. Also, address how the status of the technology is being considered in the financial plan for the project.

8.5 Please indicate if the bidder has secured its equipment for the project. If not, identify the long-lead equipment options and describe the timing for securing equipment.

## **9. OPERATION AND MAINTENANCE**

Projects that can demonstrate that the operation and maintenance ("O&M") plan, level of funding, and mechanism for funding will ensure reliable operations during the term of the contract or the tariff are preferred.

9.1 Provide an O&M plan for the project that demonstrates the long term operational viability of the proposed project. The plan should include a discussion of the staffing levels proposed for the project, the expected role of the project sponsor or outside contractor, scheduling of major maintenance activities, and the plan for testing equipment.



9.2 Describe in detail the proposed O&M funding mechanism and funding levels to support planned and unplanned O&M requirements.

9.3 Describe the terms (or expected terms) of the warranties and/or guarantees on major equipment that the bidder is utilizing or proposing to utilize.

9.4 Describe the status of the project sponsor in securing any O&M agreements or contracts. Include a discussion of the sponsor's plan for securing a medium-term or long-term O&M contract, including the expected provider of O&M services.

9.5 Provide examples of the bidder's experience with O&M services for other similar projects.

## **10. PROJECT SCHEDULE**

Bidders are required to provide a complete critical path schedule for the project from the notice of selection of the project for contract consideration to the start of commercial operations and any documentation supporting such critical path schedule. For each project element, list the start and end date.

10.1 Identify the elements on the critical path. The schedule should include, at a minimum, facility contracts, start of construction, construction schedule, siting, fuel supply, financing, engineering and procurement, acquisition of real property rights, Federal, state and/or local permits, licenses, environmental assessments and/or environmental impact statements (including anticipated permit submittal and approval dates) and any other requirements that could influence the project schedule and the commercial operation date, including requirements pertaining to the generator interconnection process and any transmission facilities for which the bidder seeks recovery through federal transmission rates.

10.2 Detail the status of all critical path items.

## **11. PROJECT MANAGEMENT/EXPERIENCE**

For a project that includes new facilities or capital investment, Bidders are required to demonstrate project experience and management capability to successfully develop and operate the project proposed. DEEP is particularly interested in project teams that have demonstrated success in projects of similar type, size and technology and, for projects that include new facilities or capital investment, can demonstrate an ability to work together effectively to bring the project to commercial operation in a timely fashion.

11.1 Provide an organizational chart that lists the project participants and identifies the corporate structure, including general and limited partners.

11.2 Provide statements that list the specific experience of the bidder and each of the project participants (including, when applicable, the bidder, partners, Engineering Procurement and Construction ("EPC") contractor and proposed contractors), in developing, financing, owning, and operating generating facilities, other projects of similar type, size and technology, and any evidence that the project participants have worked jointly on other projects.

11.3 Provide a management chart that lists the key personnel dedicated to this project and provide resumes of the key personnel. For Eligible Projects that are not yet in-service, key personnel of the bidder's development team having substantial project management responsibilities must have:

- i. Successfully developed and/or operated one or more projects of similar size or complexity or requiring similar skill sets; and
- ii. Experience in financing power generation projects (or have the financial means to finance the project on the bidder's balance sheet).

11.4 Provide a listing of projects the project sponsor has successfully developed or that are currently under construction. Provide the following information as part of the response:

- i. Name of the project
- ii. Location of the project
- iii. Project type, size and technology
- iv. Commercial operation date
- v. Estimated and actual capacity factor of the project for the past three years
- vi. Availability factor of the project for the past three years
- vii. References, including the names and current addresses and telephone numbers of individuals to contact for each reference.

11.5 With regard to the bidder's project team, identify and describe the entity responsible for the following, as applicable:

- i. Construction Period Lender, if any
- ii. Operating Period Lender and/or Tax Equity Provider, as applicable
- iii. Financial Advisor
- iv. Environmental Consultant
- v. Facility Operator and Manager
- vi. Owner's Engineer
- vii. EPC Contractor (if selected)
- viii. Transmission Consultant
- ix. Legal Counsel

11.6 Provide details of the bidder's experience in ISO-NE Markets. With regard to bidder's experience with ISO-NE markets, please indicate the entity that will assume the duties of Lead Market Participant for your Project. Please provide a summary of the proposed Lead Market Participant's experience with each of the ISO-NE markets (i.e. Day Ahead and Real-Time Energy Markets, Forward Capacity Market, etc.).

11.7 Include a summary of environmental compliance history for the bidder, including any general and limited partners, officers, directors, managers, members, shareholders, and subsidiaries, using the form available at:

[http://www.ct.gov/deep/lib/deep/Permits\\_and\\_Licenses/Common\\_Forms/compliance\\_form.pdf](http://www.ct.gov/deep/lib/deep/Permits_and_Licenses/Common_Forms/compliance_form.pdf)

**12. EMISSIONS**

12.1 For projects that are expansions of existing generation facilities, provide emissions estimates based on available continuous emissions monitoring data. Where continuous emissions monitoring data is not available, provide emissions estimates based on the most recent stack emissions test conducted using an EPA reference method approved by the applicable permitting and enforcement authority. Where continuous emissions data or actual stack emissions test data are not available, provide emissions estimates based on emissions factors from the latest edition of EPA’s AP-42, Compilation of Air Pollutant Emissions Factors.<sup>25</sup>

For new generation facilities, provide emissions estimates based on available data from the unit manufacturer. Alternatively, provide actual emissions data determined in accordance with the paragraph above for a similar facility built within the past three years. Include copies of supporting documentation for all emissions estimates.

| Source of Information | Date of Test (if applicable) | Greenhouse Gases (all except methane)<br>Expressed as Carbon Dioxide equivalent (CO <sub>2</sub> e) | Nitrogen Oxides (NO <sub>x</sub> ) | Sulfur Oxides (SO <sub>x</sub> ) | Carbon Monoxide (CO) | Particulate Matter (PM <sub>2.5</sub> ) | Methane (CH <sub>4</sub> ) |
|-----------------------|------------------------------|---|------------------------------------|----------------------------------|----------------------|---|----------------------------|
|                       |                              |   |                                    |                                  |                      |   |                            |

12.2 Describe any investments that will be made to your facility to improve its emissions profile or any planned future investments made to your facility in order to improve its emissions profile. Pollutant specific emissions improving technologies include, but are not limited to:

<sup>25</sup> <http://www.epa.gov/ttnchie1/ap42/>

- NOx – Selective/Non-Selective Catalytic Reduction
- SOx – wet/dry scrubbers
- PM – fabric filter/baghouse, electrostatic precipitator, cyclone separator
- CO – oxidation catalyst

Investments that improve overall emissions include, but are not limited to:

- equipment tune-ups (improves combustion efficiency and emissions)
- boiler tube replacements (improves heat transfer efficiency and reduces fuel use)
- other efficiency improvements (e.g., installing a heat exchanger to use waste heat to pre-heat feed water to the boiler)

Include control equipment specifications, date(s) of installation, expected life of equipment, benefits gained from the addition of such equipment, etc.

12.3 Describe how your project will contribute to (i) Connecticut's goals under Connecticut Public Act 08-98, An Act Concerning Connecticut Global Warming Solutions (2008), codified in C.G.S. § 22a-200a.

**13. CONTRIBUTION TO EMPLOYMENT AND ECONOMIC DEVELOPMENT AND OTHER DIRECT AND INDIRECT BENEFITS**

13.1 Provide an estimate of the number of jobs to be created in Connecticut directly during project development and construction (for a project that includes new facilities or capital investment), and during operations, and a general description of the types of jobs created, estimated annual compensation, the employer(s) for such jobs, and the location. Treat the development, construction, and operation periods separately in your response. Identify if any such jobs will be in distressed communities.

13.2 Provide the same information as provided in response to question 13.1 above but with respect to jobs in Connecticut that would be indirectly created as a result of the proposed project.

13.3 Describe any other economic development impacts (either positive or negative) that could result from the proposed project, such as creating property tax revenues or purchasing capital equipment, materials or services for Connecticut and New England businesses. Provide the location(s) where these economic development benefits are expected to occur.

13.4 For offshore wind projects, describe the role of Connecticut ports in project development and ongoing maintenance.

13.5 Describe the project's impact on distressed communities and revitalization of industrial land.

13.4 To the extent not already specified elsewhere in your response, please address the factors listed in Section 2.3.2.1 and describe any benefits or impacts associated with the proposed project.

13.5 Describe the project's use of skilled labor and apprenticeship programs.

**14. EXCEPTIONS TO THE FORM OF AGREEMENTS**

Please attach an explanation of any exceptions to the applicable Form of Agreements set forth in Appendix C to this Notice, including any specific alternative provisions in a redline format to the Form of Agreement.

Bidders are discouraged from proposing material changes to the Forms of Agreements.

## **APPENDIX C**

### **Form of Class I Power Purchase Agreement**

[See separate document]

## APPENDIX D

### Certification

**A proposal will be considered incomplete unless all required signatures are provided.**

The undersigned certifies that he or she is an authorized officer or other authorized representative of the bidder, and further certifies that: (1) the bidder has reviewed this RFP and all attachments and has investigated and informed itself with respect to all matters pertinent to this RFP and its proposal; (2) the bidder's proposal is submitted in compliance with all applicable federal, state and local laws and regulations, including antitrust and anti-corruption laws; (3) the bidder is bidding independently and has no knowledge of non-public information associated with a proposal being submitted by another party in response to this RFP other than: (a) a response submitted (i) by an affiliate of bidder or (ii) for a project where bidder is also a project proponent or participant, which in each case must be disclosed in writing to the Evaluation Team with each such bidder's or affiliated bidder's proposal; or (b) a submission of multiple bids for the same Qualified Clean Energy as discussed in Section 1.2; (4) the bidder has no knowledge of any non-public information associated with the development of this RFP; and (5) the bidder's proposal has not been developed utilizing knowledge of any non-public information associated with the development of this RFP.

The undersigned further certifies that the prices, terms and conditions of the bidder's proposal are valid and shall remain open for at least 270 days from the submission date.

The undersigned further certifies that he or she has personally examined and is familiar with the information submitted in this proposal and all appendices thereto, and based on reasonable investigation, including inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of the undersigned's knowledge and belief.

The undersigned understands that a false statement or failure to disclose material information in the submitted proposal may be punishable as a criminal offense under applicable law. The undersigned further certifies that that this proposal is on complete and accurate forms as provided without alteration of the text.

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Bidder or Bidder's Authorized Representative

---

Print or Type Name

---

Project Title(s) as Submitted to DEEP

---

Title     Date

## APPENDIX E

### Consent to Submittal to PURA

By signing below, the undersigned (“Bidder”) acknowledges and authorizes the Department of Energy and Environmental Protection (“Department”) to submit the entire unredacted proposal, including all attachments and any material deemed “Confidential,” to the Public Utilities Regulatory Authority (“Authority”). A proposal will be considered incomplete unless all required signatures are provided. Such submittal shall be only in the event the bidder’s proposal is requested by the Authority, in whole or in part, in any proceedings related to Connecticut Public Act 15-107 1(b) and (c). This Consent to Submittal to PURA should not be construed as any conclusive determination about the bidder’s project. If the Bidder seeks protective treatment of any such information submitted to the Authority, the Bidder must submit to the Department a motion for protective order, a draft protective order for the Department to sign, and a sworn affidavit attesting the confidential nature of the information.

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Bidder

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Signature of an Officer of Bidder

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Print or Type Name of Officer

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Project Title(s) as Submitted to the Department

---

Title

---

Date Signed



# **APPENDIX F**

## **Procurement Statute**

### **CONNECTICUT PROCUREMENT STATUTE**

The text of the Connecticut Statutes can be found at the following link:

<https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00144-R00HB-07036-PA.pdf>

# APPENDIX G

## CONFIDENTIAL INFORMATION

### CONFIDENTIAL INFORMATION WITH RESPECT TO CONNECTICUT

If you wish to submit information to DEEP that is of a confidential nature, please recognize that the Connecticut Freedom of Information Act governs the public's accessibility to that information. This law generally requires the disclosure of material in the possession of the State upon request of any citizen, unless the material is specifically exempt from disclosure. An example of an exemption is a "trade secret," as defined by C.G.S. § 1-210(b)(5). Information claimed as confidential must be isolated from other material in the proposal and labeled "CONFIDENTIAL." With this submission of information claimed and labeled as confidential, you must provide the legal basis for your confidentiality claim, describe what efforts have been taken to keep the information confidential, and provide whether the information sought to be protected has an independent economic value by not being readily known in the industry. Any bidder submitting confidential information to the Department must submit a motion for protective order, a draft protective order for the Department to sign, and a sworn affidavit attesting the confidential nature of the information. With your legal support and reasonable justification for confidentiality as described herein, the Connecticut state agencies participating on this procurement will be better equipped to safeguard your confidential information should it become the subject of a Connecticut Freedom of Information Act inquiry. Information deemed confidential will remain confidential for losing bidders.

**All information for winning bidders, including confidential information, will become public 90 days after contracts have been executed and approved by all relevant authorities in order to give winning bidders the time to wrap up any outstanding components of a project (i.e. financing), which may include energy regulatory authorities of other states if projects require approval from such agencies, unless otherwise ordered by PURA, unless the winning bidder seeks further protective treatment from DEEP by submitting a motion for protective order, a draft protective order for the Department to sign, and a sworn affidavit attesting the confidential nature of the information and why further protective treatment is warranted.**

# **APPENDIX H-1 (Eversource)**

## **UTILITY STANDARD OF CONDUCT**

## **UTILITY STANDARD OF CONDUCT**

### **GOVERNING ACTIVITY RELATED TO THE SOLICITATION FOR CLEAN ENERGY RESOURCES UNDER AN ACT CONCERNING CONNECTICUT'S CLEAN ENERGY GOALS**

**December 15, 2017**

#### **INTRODUCTION**

Pursuant to Section 8 of Public Act 13-303, *An Act Concerning Connecticut's Clean Energy Goals*, as amended by Section 10 of Public Act 17-144, *An Act Promoting the Use of Fuel Cells for Electric Distribution System Benefits and Reliability and Amending Various Energy-Related Programs and Requirements*, the State of Connecticut Department of Energy and Environmental Protection ("DEEP") will issue one or more RFPs to solicit offers for Class I renewable energy sources, including offshore wind, fuel cell, and anaerobic digestion (referred to herein as the "Solicitation Process"). The Eversource Energy electric public utility affiliate involved in the Solicitation Process is The Connecticut Light and Power Company d/b/a Eversource Energy (referred to as the "Utility").

#### **PURPOSE**

The purpose of this Utility Standard of Conduct is to establish uniform protocols and guidelines to govern the conduct of employees and consultants/representatives of Eversource and its various affiliate companies, including specifically: a) the Utility, which is charged with assisting DEEP and others develop an RFP, selection criteria, and any evaluation and selection of proposals submitted in response to an RFP issued in connection with the Solicitation Process; and b) any Eversource affiliates ("Competitive Affiliate") that may develop and submit a proposal in response to an RFP issued in connection with the Solicitation Process. Nothing in this document is intended to affect or modify the rights, obligations or duties of the Utility and any Competitive Affiliate arising under applicable state or federal laws, regulations or orders.

The Utility acknowledges the need to follow certain standards of conduct to ensure that the Solicitation Process is conducted in a fair, transparent, and competitive manner, that all laws, regulations, rules, and standards and codes of conduct are observed, that all potential bidders are treated equally, that no potential bidder receives preferential treatment or confidential, non-public information not available to other potential bidders enabling it to gain an unfair competitive advantage, and that the efforts of the Utility in the Solicitation Process do not create any actual or apparent conflict of interest. The Utility seeks to avoid any actual or apparent conflict of interest between and among itself and its Competitive Affiliate(s) regarding the development, solicitation,

participation and evaluation of proposals in response to an RFP issued in connection with the Solicitation Process.

## **GUIDELINES**

The following guidelines are to be followed by all employees and representatives of Eversource participating directly and meaningfully on behalf of the Utility or a Competitive Affiliate with respect to an RFP issued in connection with the Solicitation Process, and all such persons must acknowledge and agree to follow these guidelines in connection therewith.

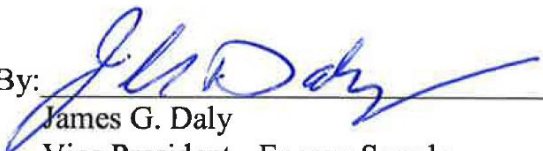
1. Effective December 15, 2017 and through and until the date described in paragraph 12 below, the Utility shall designate the individuals participating in a direct and meaningful way with respect to an RFP issued in connection with the Solicitation Process. Each such individual shall be designated to be on either a **Bid Team** or an **Evaluation Team**, no individual shall be a member of both a **Bid Team** and an **Evaluation Team**, and no individual may change from one Team to the other during the Solicitation Process.
  - a. The **Evaluation Team** will comprise employees and consultants/representatives of Eversource who are responsible in a direct and meaningful way for the planning, conduct, administration, endorsement, or oversight of the development of an RFP issued in connection with the Solicitation Process, the evaluation of proposals, selection of proposed projects, negotiation of any agreements, and related filings with state and/or federal regulatory authorities on behalf of the Utility in connection with the Solicitation Process.
  - b. The **Bid Team** will comprise employees and consultants/representatives of Eversource who are responsible in a direct and meaningful way for the planning, conduct, administration, endorsement, or oversight of the development of a proposal on behalf of a Competitive Affiliate in response to an RFP issued in connection with the Solicitation Process.
  - c. Individuals who are neither members of the **Bid Team** nor **Evaluation Team** but who provide guidance, advice, information, or support in connection with the Solicitation Process or an RFP issued thereunder to the **Bid Team** and/or the **Evaluation Team** in the normal course of their job responsibilities shall be identified as “**Subject Matter Experts**” (“**SME**”).
  - d. Individuals who are neither members of the **Bid Team** nor **Evaluation Team** but who supervise in the normal course of their job responsibilities two or more employees who are participating on the **Bid Team** and the **Evaluation Team** shall be identified as “**Common Supervisors**”.

2. With respect to each aspect of the Solicitation Process described above, the degree of participation of the Utility or a Competitive Affiliate will be consistent with applicable state and federal laws, regulations and orders.
3. The Utility and/or a Competitive Affiliate may take further actions above and beyond these guidelines as it or they deem necessary or appropriate to avoid an actual or perceived conflict of interest in connection with the Solicitation Process or an RFP issued thereunder.
4. Throughout the Solicitation Process, the **Bid Team** and the **Evaluation Team** will be represented by separate principal in-house legal counsel; however, in-house attorneys not principally representing the **Bid Team** or the **Evaluation Team** may serve as **SMEs**. The **Bid Team** and the **Evaluation Team** may also be represented by separate outside counsel; however, outside law firms may establish ethical walls within their firms to ensure separation of attorneys principally supporting the **Bid Team** and those principally supporting the **Evaluation Team**. Outside counsel not primarily supporting the **Bid Team** or the **Evaluation Team** for the Solicitation Process or an RFP issued thereunder may serve as **SMEs**.
5. The **Bid Team** and the **Evaluation Team** shall report through and operate within independent companies, business units or departments to the extent reasonably feasible, based on the corporate and organizational structure of Eversource at the time. Where not reasonably feasible, the Utility and Competitive Affiliate will take reasonable measures to ensure these guidelines are observed.
6. The Utility agrees to request the inclusion of a requirement, in any RFP issued in connection with the Solicitation Process, that bidders disclose any affiliation, ownership interest, financial interest, or other potential conflict of interest with the Utility or other electric public utility involved in the Solicitation Process.
7. The Utility and Competitive Affiliate shall take reasonable steps to ensure that no confidential, non-public information is communicated or shared between or among members of the **Evaluation Team** and members of the **Bid Team** during the Solicitation Process, except as contemplated under the rules of the Solicitation Process or RFP issued thereunder or this Utility Standard of Conduct, regarding the following:
  - a) the planning, conduct, administration, endorsement, or oversight of the development of the Solicitation Process or an RFP issued in connection therewith, or the evaluation of proposals, or the selection of proposed projects in connection with the Solicitation Process or an RFP issued thereunder; or,
  - b) the planning, conduct, administration, endorsement, or oversight of the development of a proposal in response to an RFP issued in connection with the Solicitation Process on behalf of a Competitive Affiliate.

8. No member of the **Evaluation Team** may consult, advise or communicate directly or indirectly with a member of the **Bid Team**, and vice-versa, any confidential, non-public information during the Solicitation Process, except as contemplated under the rules of the Solicitation Process or RFP issued thereunder or this Utility Standard of Conduct, regarding the following:
  - a) the planning, conduct, administration, endorsement, or oversight of the development of the Solicitation Process or an RFP issued in connection therewith, or the evaluation of proposals, or the selection of proposed projects in connection with the Solicitation Process or an RFP issued thereunder; or,
  - b) the planning, conduct, administration, endorsement, or oversight of the development of a proposal in response to an RFP issued in connection with the Solicitation Process on behalf of a Competitive Affiliate.
9. No **SME** or **Common Supervisor** may be a conduit and communicate directly or indirectly any confidential, non-public information obtained from a member of the **Evaluation Team** with a member of the **Bid Team**, and vice-versa, during the Solicitation Process, except as contemplated under the rules of the Solicitation Process or RFP issued thereunder or this Utility Standard of Conduct, regarding the following:
  - a) the planning, conduct, administration, endorsement, or oversight of the development of the Solicitation Process or an RFP issued in connection therewith, or the evaluation of proposals, or the selection of proposed projects in connection with the Solicitation Process or an RFP issued thereunder; or,
  - b) the planning, conduct, administration, endorsement, or oversight of the development of a proposal in response to an RFP issued in connection with the Solicitation Process on behalf of a Competitive Affiliate.
10. Since Eversource employees and consultants/representatives are divided into an **Evaluation Team** and a **Bid Team** subject to the terms of this Utility Standard of Conduct, the Utility's **Evaluation Team** members may participate, as contemplated under the rules of the Solicitation Process or RFP issued thereunder, in the evaluation or selection of proposed projects submitted by a Competitive Affiliate, and the negotiation of contracts relating to any projects selected in connection with the Solicitation Process or an RFP issued thereunder, including any submitted by a Competitive Affiliate.
11. Eversource shall communicate these guidelines to all persons serving on the **Bid Team**, the **Evaluation Team**, as an **SME**, or as a **Common Supervisor** and all such persons shall certify in writing their commitment to honoring and complying with the Utility Standard of Conduct guidelines and to referring any questions regarding compliance with the guidelines to the Utility's Designated Compliance Counsel.

12. These Guidelines shall be in place until the earliest of: (1) the conclusion of all regulatory filings or approval proceedings resulting from the Solicitation Process; (2) the termination or abandonment of the Solicitation Process; (3) the withdrawal of all bids by the **Bid Team** from the Solicitation Process; (4) the written notification from the **Bid Team** to the **Evaluation Team** that the **Bid Team** will not submit a proposal in response to an RFP issued in connection with the Solicitation Process; or (5) the official notification to the **Bid Team** that its proposal(s) in response to an RFP issued in connection with the Solicitation Process was not successful.

**THE CONNECTICUT LIGHT AND  
POWER COMPANY D/B/A  
EVERSOURCE ENERGY**

By:   
James G. Daly  
Vice President - Energy Supply  
Eversource Energy Service Company



**CERTIFICATE**

I certify that I have been given a copy of the **UTILITY STANDARD OF CONDUCT GOVERNING ACTIVITY RELATED TO THE SOLICITATION FOR CLEAN ENERGY RESOURCES UNDER AN ACT CONCERNING CONNECTICUT’S CLEAN ENERGY GOALS**, have read its terms and conditions, and agree to follow and be bound by the guidelines, including specifically the confidentiality and no-conduit rules, set forth therein.

To the extent I have any questions regarding compliance with or interpretation of the Standard of Conduct guidelines, I will consult with the Designated Compliance Counsel, Duncan R. MacKay, Deputy General Counsel & Chief Compliance Officer or ([Duncan.MacKay@Eversource.com](mailto:Duncan.MacKay@Eversource.com) or 860-665-3495).

Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_

Supervisor Name: \_\_\_\_\_

## **APPENDIX H-2 (United Illuminating)**

### **UTILITY STANDARD OF CONDUCT**

**November 27, 2017**

#### **INTRODUCTION**

On November 8, 2017, The Connecticut Department of Energy and Environmental Protection (“CT DEEP”) issued a Notice of Proceeding (the “Notice”) for the Procurement of Clean Energy and Renewable Resources Pursuant to Public Acts 13-303, 15-107 and 17-144 (the “Act”). Under the Act, The Commissioner of Energy and Environmental Protection (the “Commissioner”), in consultation with the Public Utilities Regulatory Authority’s procurement manager, the Office of Consumer Counsel and the Attorney General, may issue solicitations for long-term contracts, not to exceed twenty years, from providers of certain resources. The Act provides for the Commissioner to select proposals deemed to be in the best interest of electric ratepayers, and direct the electric distribution companies (“EDCs”) to enter into long-term contracts with the resource providers. Pursuant to the Notice, these resources may include energy and/or environmental attributes from offshore wind, fuel cells and anaerobic digesters (collectively referred to hereafter as “Energy Resources”). CT DEEP has asked for assistance from the State’s EDCs (including The United Illuminating Company (“UI”)) with respect to the solicitation and evaluation process for Energy Resources (the “Solicitation Process”). It is also recognized that the each of the EDCs (and/or their affiliates) may also participate in the Solicitation Process as a bidder of Energy Resources.

The purpose of this Utility Standard of Conduct is to establish uniform protocols and guidelines to govern the participation of UI in the Solicitation Process, and nothing in this document is intended to affect or modify the rights, obligations or duties of UI arising under the applicable state statutes.

UI acknowledges the need for it to follow certain standards of conduct to ensure that the Solicitation Process is conducted in a fair, transparent, and competitive manner, that all laws, regulations, rules and standards and codes of conduct are observed, that all potential bidders are treated equally, that no potential bidder receives preferential treatment or non-public information not available to other potential bidders, enabling it to gain an unfair advantage, and that the efforts of UI in the Solicitation Process do not create any actual or apparent conflict of interest. UI seeks to avoid any actual or apparent conflict of interest as it (or affiliates) may seek to submit a proposal and participate in the

solicitation and evaluation of proposals for which one or more of the EDCs may be directed to enter into one or more contracts.

## **GUIDELINES**

Employees or agents of UI (including employees or agents of its affiliates) participating in the Solicitation Process will follow these proceeding guidelines and must acknowledge and be bound to follow these guidelines in all circumstances.

1. Each individual designated to participate in the Solicitation Process shall have an identified role in the process. Individuals shall be designated to be on either a Bid Team or an Evaluation Team. No individual shall be a member of both teams, and no individual may change from one team to the other during the Solicitation Process. The Bid Team shall include members who are responsible for the development of proposals in response to Request for Proposals (“RFP”), including any subject matter experts. The Evaluation Team, which will also collaboratively participate with CT DEEP in developing the Solicitation Process consistent with the Act, will assist CT DEEP with the development of RFPs for Energy Resources, the evaluation of proposals, selection of proposed projects, and will be responsible for negotiation of any agreements on behalf of the EDCs, and preparing and submitting any related filings with state and/or federal regulatory authorities. UI may take further action as it deems necessary or appropriate to avoid an actual or perceived conflict of interest. Throughout the Solicitation Process the Bid Team and the Evaluation Team will each be represented by separate legal counsel. In connection with the development of RFP(s) that will form part of any Solicitation Process, there should be an ongoing assessment regarding any additional measures that could be instituted to avoid any actual or apparent conflict of interest and whether it would be practicable to do so.
2. The Bid Team and the Evaluation Team shall report through and operate within independent companies, business units or departments, to the extent feasible based on the corporate and organizational structure of UI, its affiliates and its parent company.
3. In the event that UI submits a bid in connection with the Solicitation Process, UI agrees and commits to include in any bid offered in response to the Solicitation Process a full disclosure of any ownership interest, financial interest, or other potential conflict of interest with respect to that bid.
4. No non-public information regarding the solicitation or evaluation process, a proposal, or the evaluation of any proposal will be communicated from members of UI’s Evaluation Team to any

Bid Team, except as provided to all bidders pursuant to the Solicitation Process. Further, no member of the Evaluation Team may consult, advise or communicate directly or indirectly with a member of any Bid Team about the solicitation process, any proposal, or the evaluation of any proposal during the bid preparation, submission or evaluation process, and vice-versa, except through the Solicitation Process.

5. Since personnel are divided into an Evaluation Team and a Bid Team subject to the standards contained in these guidelines, Evaluation Team members shall be permitted to participate in the evaluation of all projects including any proposal submitted by UI (or its affiliate).
6. These guidelines shall be communicated to all persons on a Bid Team or Evaluation Team, and those persons shall certify in writing their commitment to honoring the guidelines and to referring any questions regarding compliance with the guidelines to legal counsel designated to assist such Team members.
7. One or more legal points of contact shall be designated and provided to the Commissioner or the Commissioner's designee (or such other person as applicable under the circumstances), to work through any unforeseen issues relative to standards of conduct that may arise over the course of the Solicitation Process.
8. These guidelines shall be in place until the earlier of (1) the conclusion of the last regulatory filing or approval proceeding resulting from the applicable Solicitation Process, or (2) the last withdrawal by UI or its affiliate from the Solicitation Process.

[SIGNATURE PAGE FOLLOWS]

UIL Holdings Corporation

By: \_\_\_\_\_

Name:

Title: