

**Request for Proposals**  
**for**  
**Renewable Energy Generation**  
**and**  
**Transmission Projects**

**Issued by the  
Maine Public Utilities Commission**

**Pursuant to the  
Northern Maine Renewable Energy Development Program**

**November 29, 2021**

# **Table of Contents**

<b>1. Objective and Overview of Process</b> .....	3
<b>1.1 Objective</b> .....	3
<b>1.2 Overview of Process</b> .....	3
<b>1.3 Key Events and Timing</b> .....	5
<b>1.4 RFP Documents and Information; Contact Persons</b> .....	5
<b>2. Background</b> .....	6
<b>2.1 Statutory Authority</b> .....	6
<b>2.2 Northern Maine</b> .....	6
<b>2.3 ISO-NE</b> .....	7
<b>3. Project Components</b> .....	7
<b>3.1 Transmission Projects</b> .....	7
<b>3.2 Generation Projects</b> .....	8
<b>3.3 Ensuring Fair Competition, Access to Transmission, Transmission Project Relevant Information</b> .....	9
<b>4. Evaluation Criteria</b> .....	10
<b>5. Proposal Requirements</b> .....	11
<b>5.1 Proposal Content: Required Information for All Proposals</b> .....	11
<b>5.2 Transmission Proposal Requirements</b> .....	11
<b>5.2.1 Project Information</b> .....	11
<b>5.2.2 Required Approvals and Related Obligations</b> .....	12
<b>5.2.3 Price Terms; Allowed Structures</b> .....	13
<b>5.3 Generation Proposal Requirements</b> .....	13
<b>5.3.1 Project Information</b> .....	13
<b>5.3.2 Required Approvals and Related Obligations</b> .....	14
<b>5.3.3 Price Terms; Allowed Structures</b> .....	14
<b>6. Required Information Forms and Affidavits</b> .....	16
<b>6.1 Transmission Project Forms</b> .....	16
<b>6.2 Generation Project Forms</b> .....	16
<b>7. Financial Security</b> .....	16
<b>7.1 Transmission Projects Proposal Security Deposit</b> .....	17
<b>7.2 Generation Projects Proposal Security Deposit</b> .....	17
<b>7.3 Project and Performance Security (Transmission and Generation Projects)</b> .....	17

<b>8. Other Proposal Information.....</b>	<b>18</b>
<b>8.1 Proposals .....</b>	<b>18</b>
<b>8.2 Contingencies .....</b>	<b>18</b>
<b>8.3 Confidential and Proprietary Information.....</b>	<b>18</b>
<b>8.4 Proposal Costs .....</b>	<b>19</b>
<b>8.5 Rights of the Commission .....</b>	<b>19</b>
<b>8.6 State Held Harmless .....</b>	<b>19</b>
<b>8.7 Warranty .....</b>	<b>19</b>

## **1. Objective and Overview of Process**

### **1.1 Objective**

The Maine Public Utilities Commission (Commission) is conducting this Request for Proposals (RFP) and associated procurement process to promote the development of renewable energy resources in Northern Maine and the delivery of power from those resources to the system and market operated and administered by the New England Independent System Operator (ISO-NE). In accordance with that objective, the Commission is seeking viable and cost-effective proposals for the development and construction of renewable energy generation projects in Northern Maine and a transmission line or lines to connect such generation projects with the ISO-NE system.

Specifically, the Commission seeks proposals for:

- (1) a 345 kilovolt (kV) double circuit “generation connection line” or a transmission line or lines of greater capacity that would transmit power from Northern Maine to the ISO-NE system (Transmission Project); and
- (2) qualified renewable energy generation projects designed and constructed to transmit their power from Northern Maine to the ISO-NE system using this transmission line or lines (Generation Project(s)).

### **1.2 Overview of Process**

The Commission is conducting this process in accordance with The Northern Maine Renewable Energy Development Program (Program) established by P.L. 2021, Chapter 380, codified at 35-A M.R.S. § 3210-I (Act). The Act establishes certain parameters and criteria for the Program and this process, including but not limited to factors that would indicate the technical and financial viability of proposed Projects; make use of existing rights-of-way and transmission corridors; and maximize benefits to Maine ratepayers.

Consistent with the objectives of the Program, and as described in further detail in this RFP, this process will be conducted to ensure fair and robust participation by, and competition among, all interested bidders and Projects. Notably, the Commission will endeavor to ensure that fair access to relevant information about Transmission Projects is available to any interested and eligible Generation Projects and will structure the RFP and related processes accordingly.

As described in Sections 3.3 and 6.1 of this RFP, relevant information about the Transmission Projects that have submitted proposals will be made available to interested Generation Project bidders (subject to the non-disclosure and

confidentiality requirements of this procurement), to assist in the preparation of proposals.

The Commission will conduct this RFP process in two phases. Phase 1 will be to receive and consider proposals for Transmission Projects. Proposals for Transmission Projects must be submitted in accordance with the proposal requirements contained in Sections 5.1 and 5.2 and must include a summary of relevant information about the Transmission Project as identified in Section 6.1 (Transmission Project Relevant Information). The Transmission Project Relevant Information for each Transmission Project that meets the eligibility requirements of the Act, the Program, and this RFP (including the required Proposal Security Deposit) will be reviewed by the Commission Staff and made available to interested Generation Project Bidders as described below.

Phase 2 will be to receive and consider proposals for Generation Projects in accordance with the proposal requirements contained in Sections 5.1 and 5.3. As noted above, as part of Phase 2, Transmission Project Relevant Information will be provided to interested Generation Project Bidders under an appropriate Non-Disclosure Agreement (NDA). A bidder for a Generation Project may seek additional information beyond that initially provided in the Transmission Project Relevant Information form by filing a request with the Commission. If the Commission grants a request for additional information, the information provided will be made available to all qualified Generation Project Bidders.

### 1.3 Key Events and Timing

Event	Expected Date
Request for Proposals Issued	November 29, 2021
Transmission Project Proposals Due, including Transmission Project Relevant Information Form	March 1, 2022
Generation Bidder Registration, Execution of Non-Disclosure Agreement	Beginning February 7, 2022
Transmission Project Relevant Information Available to Generation Bidders with NDA	Beginning March 7, 2022
Generation Project Proposals Due	May 1, 2022
Commission Review of all Proposals, Development of Key Terms and Conditions	Beginning May 2, 2022, On-going
Commission Decision Regarding Procurement Results	No later than November 1, 2022

### 1.4 RFP Documents and Information; Contact Persons

Additional information about this RFP, including a copy of the Act, and required forms and instructions for submitting bids are available on the RFP Website at: <https://www.maine.gov/mpuc/regulated-utilities/electricity/rfp-awarded-contracts/northernmainerfp>

All changes, updates and supplements to the RFP and related materials will be posted to the RFP Website. Bidders are responsible to obtain these updates and additions. Further information about the RFP process and schedule, including events following the May 1, 2022 proposal submission deadline, will be made available as it is determined.

All questions or requests for additional information related to this RFP must be submitted by email to: [NorthernME.RFP.PUC@maine.gov](mailto:NorthernME.RFP.PUC@maine.gov)

To the extent bidder inquiries elicit generally applicable information or corrections/clarifications to existing information, Commission Staff will maintain a Frequently Asked Questions Log which will be available on the RFP Website.

Bidder questions, information requests and the associated responses will not otherwise be made generally available. The Commission will endeavor to respond to all questions and information requests, but it is under no obligation to do so.

The RFP Contact Person is Faith Huntington, Director of Electric and Gas Utility Industries, Maine Public Utilities Commission. She can be reached at [faith.huntington@maine.gov](mailto:faith.huntington@maine.gov)

**The Commission may seek additional or clarifying information from a bidder about any aspect of its proposal.**

**The Commission reserves the right to modify the RFP schedule and process, including modifications that allow the Commission to seek clarifications to or modifications of proposals, or to seek additional or modified proposals, consistent with the objectives of the Act.**

## **2. Background**

### **2.1 Statutory Authority**

This RFP is being conducted pursuant to P.L. 2021, Chapter 380, codified at 35-A M.R.S. § 3210-I (Act). The Act established the “The Northern Maine Renewable Energy Development Program” (Program) to “remove obstacles... (for)...development of... renewable energy resources in northern Maine.” The Act defines Northern Maine as meaning Aroostook County and other areas in Maine where the market is administered by the Independent System Administrator for Northern Maine. (NMISA)

The Act directs the Commission to administer the Program in such a manner to advance the renewable energy and climate policies and goals of the State, including to:

- Encourage the rapid development of renewable resources in northern Maine;
- Develop the necessary transmission infrastructure to meet these policies and goals;
- Transition the State’s mandated renewable energy purchasing to account for electricity usage associated with beneficial electrification;
- Promote “energy equity”;
- Recognize the public interest of near-term development of infrastructure to reduce greenhouse gas emissions.

### **2.2 Northern Maine**

As noted above, the Act defines Northern Maine as including Aroostook County and other areas where the market is administered by the Northern Maine Independent System Administrator (NMISA).

Aroostook County is Maine's northernmost county with a geographic footprint of about 6,700 square miles and an approximate population of 67,000. The region is electrically separated from the rest of the U.S. power system, and interconnects with the ISO-NE system via transmission through New Brunswick.

The Northern Maine electric transmission system and market are administered by the NMISA. The NMISA region includes portions of Aroostook and Washington counties, with a load of approximately 130 MW.

## **2.3 ISO-NE**

The Act also requires that resources developed pursuant to this procurement be connected to the "electric grid operated by the New England independent system operator" (ISO-NE). Pursuant to authorization by the Federal Energy Regulatory Commission (FERC), ISO-NE serves as the Regional Transmission Organization (RTO) for New England. In this capacity, the ISO-NE is responsible for (i) planning and operating the region's bulk power/high voltage transmission system and (ii) the design, operation, and oversight of the regional wholesale market.

Detailed information about the ISO-NE, including markets, transmission system, and resource mix, as well as the ISO-NE rules and tariffs, is available at <https://www.iso-ne.com>

Proposals submitted for Transmission Projects and/or Generation Projects may implicate various processes and requirements within the purview of the ISO-NE.

***Please note that Sections 2.2 and 2.3 of this RFP provide only summary information about these regions and systems. Bidders are solely responsible for the completeness and accuracy of their proposals with respect to all information included in and all aspects and terms of their proposals.***

## **3. Project Components**

### **3.1 Transmission Projects**

Proposals are requested for the development, construction, and operation of a 345-kV double circuit transmission line, or a line or lines of greater capacity, that will be capable of connecting and delivering power from renewable energy resources located in Northern Maine to the ISO-NE system.



There is a preference for Transmission Projects that will be developed as one of the applicable types of transmission allowed by the jurisdictional authority, processes, and tariffs administered by the ISO-NE. Other types of Transmission Projects are acceptable only if the Federal Energy Regulatory Commission (FERC) has previously and explicitly found that such other type of Transmission Project is not precluded by the Federal Power Act or other applicable law or rule.

Acceptable types of transmission projects include the following:

- Reliability Transmission Upgrade (RTU)
- Market Efficiency Transmission Upgrade (METU)
- Public Policy Transmission Upgrade (PPTU)
- Elective Transmission Upgrade (ETU)
- Other, e.g., State Voluntary Agreement (SVA)<sup>1</sup>

The rights to capacity on a Transmission Project will be conveyed to one or more transmission and distribution utilities (T&D Utilities) pursuant to a Transmission Service Agreement (TSA), and, ultimately, used to connect and transmit power from one or more Generation Projects. The Commission will make available on the RFP website<sup>2</sup> the essential terms of a TSA that the Commission will expect the Transmission Project and the transmission and distribution utilities to accept. A bidder who objects to or seeks to modify these essential terms should specify such objections or modifications with its proposal.

The preferred term of the TSA is 30 years, which will commence on the effective date of the TSA with the T&D Utility and will be inclusive of the period of time for development, construction and commercial operation of the line. Terms of a different duration may be considered and approved by the Commission, but any proposal for a term of a duration that is different than 30 years must be explicitly supported and justified by the bidder in its proposal.

### **3.2 Generation Projects**

Proposals are requested for the development, construction, and operation of qualified Generation Projects located in Northern Maine that will be connected to and capable of delivering power to the ISO-NE system using a Transmission Project(s) that would result from this RFP process.

To be qualified, a Generation Project must be physically located in Northern Maine and must:

- Meet the requirements for a Class 1 or Class 1A resource, as defined in Maine Statute, 35-A M.R.S. § 3210, except that (i) biomass generators

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<sup>1</sup>175 FERC ¶ 61,225, Docket No. PL21-2-000(June 17, 2021).

<sup>2</sup><https://www.maine.gov/mpuc/regulated-utilities/electricity/rfp-awarded-contracts/northernmainerfp>

fueled by landfill gas or by anaerobic digestion of agricultural products or (ii) waste-to-energy generators fueled by municipal solid waste are not qualified Generation Projects; or

- Be an energy storage system, which for the purpose of this RFP means a commercially available technology that uses mechanical, chemical, or thermal processes for absorbing energy for use at later time;
- Commence construction on or after September 30, 2022, unless the Commission determines that additional capacity on the Transmission Project(s) accepted through this RFP process would remain available after consideration of proposals for all qualified and viable Generation Projects that would be constructed after September 30, 2022.

The output of a Generation Project will be conveyed through one or more Power Purchase Agreement(s) (PPAs) between one or more investor-owned transmission and distribution utilities and the bidder of any proposal. Pursuant to the Act, the PPA may include output from the Generation Project in the form of one or more of the following Contract Products: energy, capacity, or renewable energy credits (RECs). The Commission will make available on the RFP website<sup>3</sup> a standard form PPA, which sets forth the terms the Commission will expect the Generation Project and the transmission and distribution utilities to accept. A bidder who objects to or seeks to modify the standard contract should specify such objections or modifications with its proposal.

The preferred term of the PPA is 20 years with the 20-year period commencing at the time the Generation Project(s) is operational and capable of delivering power to the ISO-NE. Terms of a different duration may be approved and accepted by the Commission, but any proposal for a term of a duration that is different than 20 years must be explicitly supported and justified by the bidder in its proposal.

The purchase/sale term for Contract Products pursuant to the PPA may begin on or after January 1, 2024.

### **3.3 Ensuring Fair Competition, Access to Transmission, Transmission Project Relevant Information**

Consistent with the objectives of the Act, this RFP is structured and will be conducted in a such a manner to ensure fair and robust competition among all interested projects. As noted above, a key element to achieving this objective is to ensure that access to certain information regarding Transmission Project proposals (the Transmission Project Relevant Information) is made available to all interested and qualified bidders who seek to submit a proposal for Generation Projects, subject to appropriate NDA provisions. Such information will be made

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<sup>3</sup> <https://www.maine.gov/mpuc/regulated-utilities/electricity/rfp-awarded-contracts/northernmainerfp>

available on equivalent terms and in sufficient detail and time to allow bidders to prepare and submit timely bids.

Section 6.1 provides more information about this component of the RFP process.

#### **4. Evaluation Criteria**

The Commission will evaluate proposals based on the objectives and criteria set forth in the Act, most notably, to facilitate the development of renewable energy resources in Northern Maine in an efficient and cost-effective manner and taking into account the several specific factors set forth in subsection 35-A M.R.S. § 3210-H(2)(B).

The evaluation will consider both quantitative and qualitative factors, including but not necessarily limited to the following:

- A. Costs to Maine ratepayers, both TSA and PPA-related;
- B. Total cost, including costs to Maine ratepayers and other costs associated with the project(s);
- C. Value to Maine ratepayers from transmission and generation-related products, including:
  - a. Projected market value of energy, capacity, and/or RECs;
  - b. Locational value and effects related to delivery of products;
  - c. Amount and nature of transmission capacity, including “firmness”;
  - d. Northern Maine ratepayer benefits;
- D. Economic benefits to Northern Maine;
- E. Inclusion of at least one contract that supports the construction and development in Northern Maine of a biomass generator fueled by wood or wood waste;
- F. Project viability and likelihood of timely development, including regulatory processes and approvals, and project development and financing related factors;
- G. Technical and financial qualifications of the bidder and related project development entities;
- H. Land use issues, including use of existing corridors and rights-of-way;
- I. Other factors that are relevant to the objectives and criteria of the Act

**NOTE REGARDING EVALUATION OF COST:** The Commission’s evaluation will focus on the **cost and benefits to Maine ratepayers** rather than the overall costs and benefits of the project. All other factors being equal, the Commission will look favorably upon proposals that are designed to reduce costs to Maine ratepayers through some form of tariff treatment, cost recovery mechanism, cost-sharing with other states, or other means that would prevent the full cost of the Transmission and/or Generation Projects from being borne entirely by Maine ratepayers.

## **5. Proposal Requirements**

### **5.1 Proposal Content: Required Information for All Proposals**

All Proposals shall include:

- A. Information and supporting documents describing the corporate structure and ownership of the facility;
- B. Information sufficient to demonstrate the financial capability of the facility owner and operator, including audited financial statements of the facility owner, corporate parent and/or proposed guarantor and current credit agency rating reports (if applicable); and
- C. Information and documentation demonstrating the technical experience and expertise of the facility owner and operator.

### **5.2 Transmission Proposal Requirements**

#### **5.2.1 Project Information**

At a minimum, each Transmission Project proposal should include the following:

- A. Description of the facility including its design, capacity and voltage;
- B. Detailed specification of the amount and nature of the transmission capacity that the project would provide, including but not limited to expected amounts per kW/month and the “firmness” of such capacity;
- C. The location/route of the proposed facility, including the proposed interconnection point with the ISO-NE system and location/route of expected interconnection-related upgrades associated with that point. Proposals should include a detailed description of the status of site control for the proposed route as well as a description of the

use of any existing utility rights-of-way and other existing transmission corridors in the construction of the line and all expected interconnection-related upgrades;

- D. The project's anticipated commercial operation date and detailed information about the project's development milestones;
- E. Description of the proposed project type in terms of its tariff treatment or regulatory status (e.g. ETU, etc. See Section 3.1). Proposals should also include a description of and schedule for each of the approval processes associated with its proposed project type, as well as an analysis regarding what portion (if any) of the costs of the line would be regionalized or otherwise recovered from entities other than Maine ratepayers;
- F. Detailed information about, and quantification of, the value of the expected benefits to Northern Maine, including ratepayer and general economic benefits;
- G. A description of the anticipated contribution of the project toward the achievement by the State of its energy goals as set forth in 35-A M.R.S. § 3210;
- H. An explanation of how the risk of unavailability, curtailment, or underutilization of the line may be mitigated; and
- I. Detailed information about the effect of the project on: reductions in greenhouse gases; fuel diversity; and grid reliability and resiliency.

### **5.2.2 Required Approvals and Related Obligations**

Proposals should identify all required permits and approvals necessary for the development, construction, and operation of the proposed project. The proposal must include a description of the process, timing, and current status with respect to obtaining each required permit or approval. At a minimum, proposals should address the following areas:

- A. Approvals required by ISO-NE;
- B. Approvals required by the FERC;
- C. Commission jurisdictional approvals including certificates of public convenience and necessity (CPCN);
- D. Other siting or environmental approvals including but not necessarily limited to the Department of Environmental Protection

(DEP), Land Use Planning Commission (LUPC), Army Corp of Engineers (ACOE), other local or municipal permits or approvals; and

- E. Approval by the Maine Legislature for a proposed project that meets the definition of a “high impact transmission line” set forth in 35-A M.R.S. § 3131(4-A), pursuant to the results of the referendum election held on November 2, 2021, with respect to Question 1: Citizen’s Initiative
- F. Any other required approvals, including any approvals necessary in other jurisdictions.

### **5.2.3 Price Terms; Allowed Structures**

Prices that are structured on a “\$/kW/month” basis are strongly preferred.

Other pricing structures may be proposed, but any deviation from this preferred structure must be fully supported by the bidder.

Any pricing structure that is proposed on a “cost of service,” indexed, or other “non-fixed price” basis must include provisions under which the costs paid by the T&D Utilities under the terms of the TSA would be capped at a stated amount per kW/month, per year, or other comparable and measurable basis.

***All bid prices must be provided and stated in nominal dollar terms.***

## **5.3 Generation Proposal Requirements**

### **5.3.1 Project Information**

At a minimum, each Generation Project proposal should include the following:

- A. A description of the facility, including its qualification as a Class 1A resource as defined in the Act;
- B. The project’s commercial operations date (COD), or projected COD, and expected monthly energy or REC output for each year of the contract term. If capacity is proposed to be included in the PPA, the proposal should also provide estimated Forward Capacity Market (FCM)-qualified capacity quantities for each month of the PPA term;

- C. Detailed information about the location of the facility, as well as information and supporting documents demonstrating site control;
- D. An indication of the Transmission Project or Projects to which the Generation Project intends to interconnect, including any contingencies associated with the Commission's selection of or failure to select any particular Transmission Project;
- E. The hourly generation expected to be delivered to the delivery point in MW in each hour of the year (8760 hours);
- F. To the extent capacity is included in the bid, proposals should include details regarding the facility's expected FCM Capacity Supply Obligation (CSO) and/or its qualification as a capacity resource in the ISO-NE region; and
- G. Detailed and specific information about, and a quantification of the value of, the expected benefits to the Maine economy; and
- H. Detailed information about any contingencies, including contingencies related to Transmission Project(s).

### **5.3.2 Required Approvals and Related Obligations**

Proposals should identify all required permits and approvals necessary for the development, construction, and operation of the proposed project. The proposal must include a description of the process, timing, and current status with respect to obtaining each required permit or approval. At a minimum, proposals should address the following:

- A. Approvals required by ISO-NE or NMISA, including those related to interconnection of the proposed project;
- B. Any approvals required by the FERC;
- C. Other siting or environmental approvals including but not necessarily limited to the Department of Environmental Protection (DEP), Land Use Planning Commission (LUPC), Army Corp of Engineers (ACOE), other local or municipal permits or approvals;
- D. Any other required approvals, including any approvals necessary in other jurisdictions.

### **5.3.3 Price Terms; Allowed Structures**

Proposals should specify annual quantities or quantity caps for the amounts of energy and/or RECs for each year of the contract term. If capacity is proposed to be included, the proposal should also specify annual quantities or quantity caps for the amounts of FCM-qualified capacity for each year of the proposed contract term.

Proposals may be structured as physical or financial transactions. Separate prices may be proposed for energy, RECs and/or capacity, or a bundled price may be offered for combined contract products. For example, if energy, RECs and capacity are all included, a proposal may offer a single, bundled price for all components that are included or may offer a bundled price for two components and a separate price for the third contract product.

Proposals should clearly specify which contract products are included in the pricing.

Prices must be specified and may not be defined by formulae or indices, except that prices that increase at a stated fixed percentage in each year may be proposed.

The same Generation Project may submit multiple pricing proposals that differ based on the Transmission Project to which the Generation Project would interconnect. For example, a Generation Project may submit one price contingent on interconnecting to a particular Transmission Project and a different price if the interconnection point is to a different Transmission Project.

A bid that includes an energy storage system must include two separate proposals, one with and one without the storage system.

Pricing should be a firm and final bid.

All contingencies associated with a proposal and/or pricing should be clearly indicated. Any contingencies associated with a proposal must be clearly described and supported in the bidder's proposal(s). To the extent any contingency identified by a bidder would affect the proposed pricing, the contingency must be resolved prior to any award by the Commission or the proposal must include a limit or cap on the amount the price may be increased.

***All bid prices must be provided and stated in nominal dollar terms.***

***Proposals for energy-only are preferred.***



## **6. Required Information Forms and Affidavits**

In addition to the information provided in the bidder's proposal, proposals must include the information as specified in the forms and format specified in this RFP and all required affidavits. The required information forms and affidavits will be made available on the RFP Website at: <https://www.maine.gov/mpuc/regulated-utilities/electricity/rfp-awarded-contracts/northernmainerfp>

### **6.1 Transmission Project Forms**

Transmission Projects proposals must include:

- A. A completed Transmission Proposal Summary Form;
- B. A completed Transmission Project Relevant Information Form;
- C. An affidavit warranting the completeness and accuracy of the material provided and attesting that the proposal was prepared independently and without collusion or any other action taken to restrain free, competitive bidding and the terms of the proposal are commercially reasonable. The affidavit shall be substantially in the form provided on the RFP website. Submission of the required affidavit does not restrict the Commission from otherwise finding that the solicitation process or resulting bids are not competitive.

### **6.2 Generation Project Forms**

Generation Project proposals must include:

- A. A completed Generation Proposal Summary Form;
- B. Expected output profile of the project, including estimated MW production on an hourly basis for each hour in the year in Excel format (8760 Form);
- C. An affidavit warranting the completeness and accuracy of the material provided and attesting that the proposal was prepared independently and without collusion or any other action taken to restrain free, competitive bidding and the terms of the proposal are commercially reasonable. The affidavit shall be substantially in the form provided on the RFP website. Submission of the required affidavit does not restrict the Commission from otherwise finding that the solicitation process or resulting bids are not competitive

## **7. Financial Security**

## **7.1 Transmission Projects Proposal Security Deposit**

Each Transmission Project proposal must be accompanied by a Proposal Security Deposit of \$100,000. Deposits should be submitted directly to the T&D utility that would be the contractual counterparty in the contract or as otherwise directed by the Commission. The Proposal Security Deposit must be in the form of U.S. currency or an irrevocable, transferable and unconditional standby letter of credit issued by a U.S. commercial bank or a foreign bank with a U.S. branch with such bank having a minimum credit rating of A- from S&P or A3 from Moody's. Deposits provided in cash will be held by the T&D utility in an interest-bearing escrow account. The Proposal Security Deposit will (1) be refunded if a proposal is not selected or (2) be replaced with the Project and Performance Security if a proposal is selected.

## **7.2 Generation Projects Proposal Security Deposit**

Each Generation Project proposal must be accompanied by a Proposal Security Deposit equal to the lesser of (i) \$5 per kW (nameplate capacity of the project or projects included in the proposal) or (ii) \$100,000. Deposits should be submitted directly to the T&D utility that would be the contractual counterparty in the contract or as otherwise directed by the Commission. The Proposal Security Deposit must be in the form of U.S. currency or an irrevocable, transferable and unconditional standby letter of credit issued by a U.S. commercial bank or a foreign bank with a U.S. branch with such bank having a minimum credit rating of A- from S&P or A3 from Moody's. Deposits provided in cash will be held by the T&D utility in an interest-bearing escrow account. The Proposal Security Deposit will (1) be refunded if a proposal is not selected or (2) be replaced with the Project and Performance Security if a proposal is selected.

## **7.3 Project and Performance Security (Transmission and Generation Projects)**

Project and Performance Security will be determined on a project-specific basis based on the Commission's assessment of the risks and benefits of the contract. The Commission may establish a security "Base Amount," as well as contractual terms by which margining would occur.

Acceptable forms of Project and Performance Security are: (1) cash (U.S. currency); or (2) an irrevocable, transferable and unconditional standby letter of credit issued by a U.S. commercial bank or a foreign bank with a U.S. branch with such bank having a minimum credit rating of A- from S&P or A3 from Moody's. The Commission may consider other forms of Project and Performance Security and will determine whether security in a form other than cash or an LOC is acceptable in the context of a specific proposal and prevailing economic conditions.

Project and Performance Security is not required to be posted with Initial Proposals, but Initial Proposals should include evidence of a bidder's intent and ability to fulfill the Project and Performance Security Requirements should the proposal be selected.

## **8. Other Proposal Information**

### **8.1 Proposals**

Proposals are binding on the bidder and must be submitted in accordance with this RFP or as otherwise specified by the Commission. The Commission reserves the right to seek clarification and request additional information, documentation and other material related to the proposals. Failure to provide any such items within the timeframes requested may result in disqualification.

### **8.2 Contingencies**

Bidder should note all conditions and contingencies. Please note that any condition or contingency that directly relates to the pricing in the proposal must be: (1) within the control of the Commission; or (2) known or determined by a date specified in the proposal, which date must be no later than October 1, 2022 unless extended by the Commission.

### **8.3 Confidential and Proprietary Information**

A Transmission Project Bidder may designate information included in its proposal as proprietary or confidential information. Certain information, as identified in Sections 3.3 and 6.1, about proposals for Transmission Projects will be made available to potential bidders for Generation Projects under an appropriate non-disclosure agreement. A Generation Project Bidder may designate information included in its proposal as proprietary or confidential information. The Commission will take every reasonable step, consistent with law, to protect information that is clearly identified as proprietary or confidential on the page on which it appears. Protected information may be made available to the Maine T&D utilities, ISO-NE, FERC, the Office of the Public Advocate (OPA), the Maine Department of Economic and Community Development (DECD) and the Maine DEP or other federal, regional, state or local governmental or regulatory entities. Any term sheets approved by the Commission, which will include the identity of bidders and projects and the associated prices will become public information.

The identity of bidders whose proposals are accepted and approved for an award, and information about the awarded proposals, will become public at the time of the Commission's decision. The contracts and associated price of selected proposals will ultimately become public.

#### **8.4 Proposal Costs**

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

#### **8.5 Rights of the Commission**

The Commission may accept or reject any proposal, or it may reject all proposals, based on its assessment of whether a proposal meets the requirements of the RFP, satisfies the applicable statutory policies and objectives, is within the contracting authority of the Commission, and conforms with generally accepted business practices.

The Commission reserves the right to withdraw or modify the RFP at any time and to propose modifications to the bids.

The awards made pursuant to this RFP will be determined by the Commission consistent with applicable laws and rules, the provisions of this RFP and the Commission's statutory public interest obligations.

The Commission shall not be responsible or liable in any manner for risks, costs, expenses, or other damages incurred by any bidder or other entity involved, directly or indirectly, with this RFP.

#### **8.6 State Held Harmless**

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

#### **8.7 Warranty**

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