

# **FirstEnergy Renewable RFP**

## **Communication Protocols**

### **Communications between Respondents and FirstEnergy/Navigant Consulting (NCI)**

This RFP includes and imposes certain restrictions on communications between FirstEnergy/NCI and Respondents. A Respondent may be disqualified from the RFP Process if the Respondent has any contact, beyond that described in the FAQ process, as part of this RFP. A Respondent is restricted from making contacts (i.e., an oral, written or electronic communication which a reasonable person would infer as an attempt to unduly influence the award, denial, or amendment of a contract) from issuance of the RFP through final award and approval of the resulting REC Purchase and Sale Agreement(s) by FirstEnergy to any FirstEnergy staff or its consultant (NCI) other than as designated herein.

FirstEnergy's designated consultant for this RFP is Ms. Leah Bissonette, Director, Navigant Consulting (NCI), (516) 876-4036. Please use Ms. Bissonette as the primary point of contact.

All email communication should be addressed to [rfp@navigantconsulting.com](mailto:rfp@navigantconsulting.com).

### **RFP Overview Teleconference:**

On **July 24, 2009 at 11:00 A.M. EPT**, NCI, with FirstEnergy, will conduct a teleconference to outline the RFP process and the terms of the REC Purchase and Sale Agreement. Potential Respondents are urged to review this RFP, including attachments, prior to the teleconference. NCI and FirstEnergy will answer questions raised at this teleconference to the extent possible. This teleconference will be conducted via WebEx. The link to the WebEx session and the dial-in number will be posted to the RFP website located at:

[www.firstenergyrenewable.com/2009OhioRFP](http://www.firstenergyrenewable.com/2009OhioRFP).

### **Non-Binding Notice of Intent To Propose:**

Following the RFP Overview Teleconference and no later than **July 26, 2009**, all parties seeking to submit a proposal in response to this RFP are requested to submit a non-binding Notice of Intent to Submit a Proposal in the form attached as Appendix A to the RFP. The Notice of Intent should be sent to the address specified on the Notice. Submitting a non-binding Notice of Intent to Submit a Proposal is not a prerequisite for submitting a proposal in response to this RFP but if a party does not submit a Notice of Intent, NCI shall not be responsible for assuring that a potential respondent receives all follow-up information regarding the RFP.

### **Credit Information Due Date:**

Respondents are responsible to provide all the credit information requested in the Credit Application no later than **July 27, 2009**. Respondents that do not provide adequate credit information will be deemed ineligible and will not be considered for further evaluation. Note

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that if a Respondent is rated by one of the standard credit rating agencies the Respondent must provide documentation of such rating. If a Respondent is not rated by one of the standard rating agencies, or if such rating is not adequate to provide coverage for the amount to be proposed, then, the Respondent must certify that it is willing to post security to meet the requirements of the REC purchase. However, if the total dollar value of the Respondent's proposal under this RFP is less than \$100,000, no security is required, but the Respondent is still required to complete Part I of the credit application.

### **Respondent Inquiries:**

On or before the FAQ Deadline on **August 5, 2009**, Respondents may submit questions to NCI via electronic mail to [rfp@navigantconsulting.com](mailto:rfp@navigantconsulting.com). To the extent possible, questions submitted prior to the RFP Overview Teleconference will be addressed during the teleconference. Additional questions submitted and answered thereafter shall be posted with answers in the FAQ section of the RFP website located at [www.firstenergyrenewable.com/2009OhioRFP](http://www.firstenergyrenewable.com/2009OhioRFP). The person or company submitting the question shall not be identified. While NCI will review and attempt to answer questions in good faith, NCI reserves the right not to answer any question. The RFP Overview Teleconference and this Respondent Inquiry procedure are the exclusive methods for inquiring about this RFP and the REC Purchase and Sale Agreement. Questions submitted to individual FirstEnergy employees or NCI employees by other means will be redirected to the website.

### **Submittal of Proposals:**

Proposal: In order to submit a proposal in response to this RFP, a Respondent must:

- Submit one printed original and one electronic version on a CD-ROM of its Proposal Application Qualifying Information Sheet and its Application- Acceptance of REC Agreement; and
- Submit in separate, sealed and marked envelopes, a printed original Application-Pricing Proposal for each pricing option proposed.

- Each envelope to be marked as follows:

Confidential Pricing Proposal

DO NOT OPEN UNTIL PHASE 2

Name of Respondent

Category of REC (Ohio Solar; Ohio All Renewable RECs; All-States Solar RECs; or All-States All Renewable RECs)

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**All proposals must be received at the following address no later than 3:00 pm EPT on August 7, 2009.**

All proposals submitted in response to this RFP must be sent to NCI. Such proposals must be delivered via registered mail, or certified mail, or overnight courier, or hand delivery to the following address. **Faxed or emailed proposals will not be accepted.**

Navigant Consulting, Inc.  
Attn: Leah Bissonette  
1400 Old Country Road Suite 402  
Westbury, NY 11590-5156  
Phone: (516) 876- 4036

Any proposals received after the above date and time shall be returned unopened and without consideration. Respondent is solely responsible for the timely delivery of any submission for this RFP. Proposals which are incomplete or otherwise do not satisfy all requirements of this RFP shall not be considered. Submission of a proposal constitutes a Respondent's agreement to accept the terms and conditions of this RFP.

## **Confidentiality:**

NCI and FirstEnergy will take reasonable precautions and efforts to maintain the confidentiality of Respondent's proposal. Respondents should clearly identify each page of information that NCI and FirstEnergy should consider to be confidential or proprietary. Regardless of such markings, confidential information may be subject to review by the PUCO, or other governmental authority or judicial body relating to these matters and may be subject to legal discovery. Under such circumstances, FirstEnergy will make all reasonable efforts to protect Respondent's confidential information.

## **Additional Information:**

NCI may, but is not obligated to, request additional information and materials from any Respondent for evaluation of its proposal. Information submitted by a Respondent absent a request by NCI which is not in the nature of a correction or clarification to the proposal will not be considered. If any information in a proposal is no longer valid or true, prior to selection, Respondent shall immediately notify NCI of changed information. Failure to provide such notification, or respond to a request for additional information and materials by NCI, may result in disqualification of Respondent's proposal. NCI shall have no duty to inform any Respondent of any deficiency in its proposal.

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## **Execution of REC Purchase and Sale Agreement:**

FirstEnergy shall prepare two copies of a REC Purchase and Sale Agreement with information from the successful Respondent's Qualification and Pricing Proposals inserted and transmit such completed copies to the applicable Respondent. Respondent shall execute and return the REC Purchase and Sale Agreement to FirstEnergy together with the security instruments, as required under the REC Purchase and Sale Agreement, within three (3) business days of receipt.

## **Disqualification:**

Failure of a successful Respondent to execute the REC Purchase and Sale Agreement and provide the required security instruments to FirstEnergy within the three (3) day time period may result in the disqualification of such proposal or potential legal action by FirstEnergy.

FirstEnergy will post on the RFP website when it has completed the Contract Awards.