

FirstEnergy Renewable RFP

Communication Protocols

Communications between Respondents and FirstEnergy Service Company (“FirstEnergy”)/Navigant Consulting (“NCI”)

This RFP includes and imposes certain restrictions on communications between FirstEnergy/NCI and Respondents. 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 Renewable Energy Credit Purchase and Sale Agreement(s) and/or the Solar Renewable Energy Credit Purchase and Sale Agreement(s), as applicable (collectively referred to as “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, (516) 876-4036. Please use Ms. Bissonette as the primary point of contract.

All e-mail communication should be addressed to rfp@navigantconsulting.com.

RFP Overview Teleconference:

On **October 6, 2009 at 10:00 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.

Pre-qualification for Credit:

Respondents are strongly encouraged to provide all the credit information requested in the Credit Application no later than **Friday, October 9, 2009**. Respondents that provide credit information by that date will receive an e-mail confirming receipt of this information. Respondents may wait and provide their credit information simultaneously with their pricing proposals. However, if credit information is provided simultaneously with pricing, the respondent foregoes the opportunity to make additions.

Note 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.

FirstEnergy Renewable RFP

Communication Protocols

If the Respondent submitted a Credit Application in conjunction with the previous RFP (issued 7/15/2009) and Respondent's credit information has not materially changed, the Respondent does not need to submit the Credit Application for this RFP. If you have any questions as to whether you need to submit the Credit Application, please email rfp@navigantconsulting.com.

Respondent Inquiries:

On or before the FAQ Deadline on **October 7, 2009**, Respondents may submit questions to NCI via electronic mail to 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 on or before the FAQ Deadline shall be posted with answers in the FAQ section of the RFP website. Answers to all FAQ will be posted on the RFP website on approximately October 9, 2009.

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. Questions submitted to individual FirstEnergy employees 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 either a hardcopy or e-mailed proposal. Note all documents must be signed by an official representative of your company as indicated.

For hardcopy proposals:

- Submit one printed original and one electronic version on a CD-ROM of the Credit Application (if not submitted during pre-qualification period), Qualification Proposal and the Application-Acceptance of REC Purchase and Sale Agreement; and
- Submit in separate, sealed and marked envelopes, a printed original 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 RECs (Ohio Solar RECs; Ohio All Renewable RECs; All-States Solar RECs)

For e-mailed proposals:

- Submit one e-mail to rfp@navigantconsulting.com with separate attachments for the following documents. Please note the Credit Application and Application-Acceptance of the REC Purchase and Sale Agreement, must be signed and PDFed.

FirstEnergy Renewable RFP

Communication Protocols

- Credit Application (File name: COMPANY_DATE_CreditApp.pdf)
- Qualification Proposal (File name: COMPANY_DATE_Qualification)
- Application-Acceptance of REC Purchase and Sale Agreement, as applicable, (File name: COMPANY_DATE_Acceptance_REC_Agreement.pdf)
- Each separate Pricing Proposal (File name: COMPANY_DATE_Pricing Proposal_YEAR_REC CATEGORY)

All proposals must be received no later than 5:00 pm EPT on October 14, 2009.

All proposals submitted in response to this RFP must be sent to NCI. Such proposals must be e-mailed, delivered via registered mail, or certified mail, or overnight courier, or hand delivery to the following address. **Faxed 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
rfp@navigantconsulting.com

Any proposal(s) 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.

Please note that early responses are encouraged. Failure of e-mail systems or delivery service shall not be an acceptable excuse for late deliveries. Please be sure to sign all documents that require signatures (Credit Application, Application-Acceptance of REC Purchase and Sale Agreement)

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

FirstEnergy Renewable RFP

Communication Protocols

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.

Execution of REC Purchase and Sale Agreement:

Upon selection of a successful Respondent, NCI shall send an email with a PDF of the REC Purchase and Sale Agreement, completed with information submitted in the Respondent's Qualification and Pricing documentation. The successful Respondent shall complete and execute the PDF and return it to NCI via email within 24 hours. Respondent shall also print two hard copies of the REC Purchase and Sale Agreement, and submit both copies with the executed signature pages, to NCI, together with the security instruments, as required under the REC Purchase and Sale Agreement, within three (3) business days. NCI will have FirstEnergy execute the Agreements and return one complete Agreement to the successful Respondent. Respondents who have a particular difficulty meeting the deadlines related to electronic submission should contact NCI to make special arrangements.

Disqualification:

Failure of a successful Respondent to provide the executed REC Purchase and Sale Agreement, and required security instruments to NCI within the required time period may result in the disqualification of such proposal or potential legal action by FirstEnergy.

FirstEnergy will provide an announcement on the RFP website when it has awarded all contracts and the RFP has ended.