

Request for Proposals
for the Sale of Energy and Renewable Energy
Credits to Promote the Reuse of Contaminated Land
Pursuant to 35-A M.R.S. § 3210-J

Issued by the Maine Public Utilities Commission

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1. BACKGROUND

During the first special session of the 131st Legislature, An Act To Promote Economic Reuse of Contaminated Land Through Clean Energy Development. P.L. 2023, Chapter 321 (Act) was enacted.¹ The Maine Public Utilities Commission (Commission) subsequently adopted Chapter 397 to implement the requirements of the Act. Pursuant to the Act and Chapter 397, the Commission is seeking proposals from eligible Class IA resources for the sale of energy and renewable energy credits (RECs). To be an eligible Class IA resource, a generation facility must meet the requirements for a Maine RPS Class 1A resource as defined in 35-A M.R.S. section 3210(2)(A-3) that begins commercial operation on or after September 19, 2023 and for which either an interconnection agreement has been executed or a system impact study has commenced if one is required by the relevant Regional Transmission Organization or Independent System Operator or Administrator.

The Act directs the Commission to conduct one or more competitive solicitations to procure, in the aggregate, an amount of energy and RECs that is equal to 5% of retail electricity sales in the State during calendar year 2021, or 579,000 MWh,² plus the amount of energy or RECs from Class IA resources selected for contracts pursuant to 35-A M.R.S. section 3210-G that have not been fulfilled.

The Commission has determined that the amount of energy or RECs from Class IA resources selected for contracts pursuant to 3210-G that have not been fulfilled is equal to 994,026 MWh.³

The Commission seeks to procure up to 1,573,026 MWh in aggregate.^{4 5}

¹ The Act is codified at 35-A M.R.S. § 3210-J.

² As reported by the Maine utilities to the Energy Information Administration in EIA Form 861 and to the Commission in annual reports, total retail electricity sales in the State during 2021 were 11.58 million MWh.

³ This represents the estimated output from Class IA resources awarded contracts pursuant to 3210-G that have been terminated as of the date this RFP is issued. Should additional contracts awarded pursuant to 3210-G be subsequently terminated, the amount of energy or RECs associated with those contracts will be procured through a subsequent competitive solicitation pursuant to the Act.

⁴ For the purposes of determining the MWh procured, only the MWh of energy will be counted.

⁵ The Commission may choose to procure less than this amount. If it does so, the unprocured amounts from the first solicitation will be procured through subsequent procurement(s), which must be initiated within 12 months of the conclusion of the preceding procurement. The Commission will continue this process until it has procured

Proposals must be submitted by 11:59 PM on November 1, 2024. The Commission reserves the right to extend the deadline for submission of proposals, seek additional proposals pursuant to this RFP or conduct one or more subsequent competitive solicitations to ensure the objectives of the Act are met.

Bidders selected will enter into contract(s) with one or both of Maine’s investor-owned transmission and distribution utilities, i.e., Central Maine Power Company (CMP) and Versant Power (Versant) (collectively, T&D utilities). A contract will be for a term of 20 years, unless the Commission finds a contract for a longer term to be prudent.

Additional information about this RFP, including a copy of the Act, the standard form contract, and instructions for submitting bids is available at:

<https://www.maine.gov/mpuc/regulated-utilities/electricity/rfp-awarded-contracts/2024-00235>

2. QUALIFYING RESOURCES

2.1 General Qualifications

To qualify for a contract under this RFP, a resource must (1) meet the requirements for a “Maine RPS Class 1A Resource,” as defined in 35-A M.R.S. section 3210(2)(A-3), (2) begin commercial operation on or after September 19, 2023, and (3) must either have a fully executed interconnection agreement or a system impact study must have commenced, if one is required by the relevant Regional Transmission Organization or Independent System Operator or Administrator as recognized by FERC.

In addition, selected Bidders will be required to obtain and take all reasonable steps to maintain certification of the facility as a resource that may be used to satisfy the Maine Class IA Renewable Portfolio Requirement under Chapter 311 of the Commission’s Rules.

Despite the foregoing, any resources that have made an election under 35-A M.R.S. §3210(10) are prohibited from bidding or receiving a contract through this procurement.

2.2 Combined Projects

2.2.1 Eligibility. Combined projects are eligible to submit a proposal. A combined project means an eligible Class IA resource paired and collocated with an energy storage system connected to the State’s electricity grid, whether metered jointly or separately from the eligible Class IA resource. An energy storage system means

the full quantity available under this procurement. The Commission may also procure an amount above the target amount of procurement pursuant to its authority under 35-A section 3210-C if it determines doing so would benefit ratepayers and is otherwise in the public interest.

a commercially available technology that uses mechanical, chemical, or thermal processes for absorbing and storing energy for use at a later time.

2.2.2 Required Characteristics of the Storage Facility. To participate in this RFP, the energy provided by a storage facility must have been generated by a facility that meets the requirements for Maine's Class IA RPS, as specified in Section 2.1 above.

If awarded a contract through this procurement, an energy storage system must remain stationary and under the same ownership throughout the term of the contract.

2.2.3 Post-Award Energy Storage System Additions

The Commission may, in its sole discretion, establish a process by rule to allow an energy storage system to apply to the Commission to be paired with and added to an eligible Class IA resource after that resource has been awarded a contract.

3. EVALUATION STANDARDS AND CONSIDERATIONS

3.1 Ratepayer Benefit

Proposals will be evaluated based upon the requirements and objectives stated in the Act, Chapter 397 of the Commission's rules, and within this RFP. The Commission shall select only eligible resources or combined projects that will benefit ratepayers.

To determine if a project will benefit ratepayers, the Commission will assess whether the market value of the contract products and the value of other benefits that accrue to ratepayers exceeds the cost of the contract. Only those benefits that reduce the cost of energy supply or delivery in a quantifiable way will be considered.

The price of the procured energy and RECs in comparison to their market value will be a significant factor in determining ratepayer benefit. The Commission will independently assess, verify, and quantify ratepayer benefits.

3.2 Preferences

The following preferences will be applied to those projects that are determined to provide a benefit to ratepayers:

3.2.1. Primary Preference. Of the projects that benefit ratepayers, the Commission shall give primary preference to those projects located on Contaminated Land, which means that those projects will be awarded contracts before any other ratepayer beneficial projects that are not located on contaminated land. To qualify for this preference at least 90% of the project footprint must be located on Contaminated Land.

Contaminated Land means agricultural land contaminated by perfluoroalkyl and polyfluoroalkyl substances, as defined in 38 M.R.S. §1614(1) (F), that may no longer be used for its current or historical agricultural purposes, as determined by the Department of Agriculture, Conservation and Forestry (DACF) in accordance with applicable state and federal food safety standards.

Attachment A to this RFP describes DACF's process for making this determination. Questions about Attachment A should be directed to DACF's Director of PFAS Response, Meagan Hennessey, at Meagan.Hennessey@maine.gov.

3.2.2 Secondary Preference. If the MWh target has not been fulfilled by those projects receiving the Primary Preference, the Commission may then award contracts to ratepayer beneficial projects that minimize the use of uncontaminated farmland and forested land. To qualify for this preference no more than 10% of a project's footprint may be located on farmland or forested land or, if sited on uncontaminated farmland, must make no more than 10% of its total footprint unusable for its current agricultural purpose. Farmland and forested land should be given their ordinary, plain language meanings.

3.2.3 Unfulfilled Amounts After Awarding Preferences. Any remaining MWh target amounts may be fulfilled by awarding contracts to projects that are otherwise ratepayer beneficial but that do not qualify for the Primary or Secondary Preferences. The Commission may also elect, in its discretion, to close the procurement and procure any unfulfilled amount through a subsequent round of procurement(s).

3.2.4 Tiebreaker For Identically-Ranked Projects. If it becomes necessary to select among identically scored proposals the Commission shall select the project(s) with the higher demonstrated economic and community benefits.

3.3 Commission Determinations

3.3.1 Guiding Authority. The Commission will select Bids based on the requirements of the Act, Chapter 397 of the Commission's Rules, this RFP, and the Commission's statutory public interest obligations.

3.3.2 Consultation With Third Parties. In making its determinations, the Commission and Commission Staff may consult with the T&D utilities, and any relevant State of Maine agencies, including, but not limited to, Maine's Office of the Public Advocate (OPA), DACF, the Maine Department of Economic and Community Development (DECD), and the Maine Department of Environmental Protection (DEP) under appropriate and specific protective order(s) and non-disclosure agreements.

3.3.3 Procurement Deemed Uncompetitive. If the Commission concludes that this solicitation is not competitive, based either on the solicitation process or the resulting bids, no proposals may be selected.

3.3.4 Commission Authority To Accept or Reject Proposals. The Commission may accept or reject any proposal, or it may reject all proposals, based on its assessment of whether a proposal satisfies the requirements of the Act, Chapter 397, applicable statutory policies, or this RFP, or if it fails to be within the applicable contracting authority or generally accepted business practices.

4. PROPOSAL ATTRIBUTE REQUIREMENTS

4.1 Form of Product

Proposals must be for the sale of energy and RECs from Class 1A resources.

4.2 Pricing

4.2.1 General. Prices must be in nominal dollar terms. Separate prices may be proposed for energy and RECs, or a bundled price may be offered for combined contract products.

4.2.2 Fixed Price Proposal. Proposals must include a fixed price that is not defined by formulae or indices, except that prices may increase at a specified fixed percentage in each year.

4.2.3 Alternate Price Proposal. Bidders may propose alternative pricing structures other than a fixed price. If an alternative pricing structure is proposed, bidders must include a detailed description of the structure and any related adjustment mechanisms, as well as a hard cap on the overall price.

4.2.4 Submitting Multiple Pricing Proposals. The same generation resource may submit multiple pricing proposals, as long as they are mutually exclusive. Proposals should clearly specify which contract products are included in the pricing.

4.2.5 Pricing Proposal Accounting for Periods of Negative LMP. Proposals must include two energy price proposals: (1) an all-hours price; and (2) a price that reflects payment for deliveries occurring only in hours when the LMP at the delivery point is greater than zero. This may be through either an energy component only or bundled price.

4.2.6 Energy storage systems. For combined projects, the bidder must submit two separate pricing proposals: one with the energy storage system and one without the energy storage system.

4.2.7 Contingencies. To the extent any contingency identified by a bidder would affect the proposed pricing, the contingency must be resolved in the manner set forth in Section 4.7.

4.3 Economic Benefits Reporting and Contract Payment Adjustment

The Commission reserves the right to include an ongoing reporting requirement to verify that any claimed economic benefits to the Maine economy are provided by the resource and impose remedies for non-performance which may include price adjustments or return of previously paid contract payments.

4.4 Security

4.4.1 Seller Security. Sellers will be required to provide performance security in an amount equal to \$40/kW of Nameplate Capacity of the Facility. The required amount of Seller Security may be adjusted proportionately if the output contracted for is less than the full output of the Facility. Acceptable forms of performance security are: (1) cash (U.S. currency); or (2) an irrevocable, transferable and unconditional standby letter of credit (LOC) 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.

An Initial Security amount of \$10/kW of Nameplate Capacity must be provided no later than five (5) business days after execution of a contract. An additional amount of \$20/kW of Nameplate Capacity of the Facility must be provided no later than five (5) business days after execution of an interconnection agreement with the T&D. The final \$10/kW must be provided no later than five (5) business days after the Facility reaches commercial operations.

Facilities awarded a contract will forfeit the Initial Security if the project does not reach commercial operation. Please refer to the security provisions in the standard form contract that will be issued in this docket.

So long as no Event of Default exists and is continuing, the amount of security may be reduced to \$30/kW of Nameplate Capacity of the Facility on the fifth (5th) anniversary of the commercial operation date, \$20/kW of Nameplate Capacity of the Facility on the tenth (10th) anniversary of the commercial operation date and \$10/kW of Nameplate Capacity of the Facility on the fifteenth (15th) anniversary of the commercial operation date.

4.4.2 T&D Security. T&D shall not be required to post any initial security. If, at any time during the term, the T&D does not have a credit rating or the T&D's credit rating falls below investment grade and the T&D's Net Worth is less than \$275,000,000, then T&D shall be required to deliver to Seller financial security in an amount equal to approximately two months of contract payments as approved by the Commission. Acceptable forms of T&D 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.

4.5 Standard Form Contract

A standard form Qualifying Class 1A Resource Purchase and Sale Agreement will be posted on the RFP website.

Modifications to the standard form contract will be limited to those necessary to conform the contract to the specific facility and the specific transaction terms approved by the Commission. Bidders should ensure that all other provisions contained in the standard form contract are acceptable to it and to any potential lenders or investors prior to submitting a proposal.

4.6. Contract Term

The term of the contract during which contract products will be delivered shall be twenty (20) years unless the bidder requests, and the Commission approves, a longer term. Bidders should include a proposed starting date for the contract term.

4.7 Firm and Final Bids; Supplemental Proposal Information

The proposals and pricing submitted in response to this RFP are firm and final bids and will be binding on the bidder. 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.

Changes to proposals will not be accepted after the submission of bids except if the Commission requests a change. The Commission reserves the right to ask bidders to provide additional information related to any aspect of a proposal, or to clarify, correct, or amend a proposal. Failure to provide any such items within the timeframes requested may result in disqualification.

4.8 Confidentiality

Bidders may designate information in its proposal as proprietary or confidential information. The Commission will take every reasonable step, consistent with applicable 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 T&D utilities, and any relevant State of Maine agencies—including, but not limited to, the OPA, DACF, DECD, and/or the DEP—under appropriate and specific protective order(s) and non-disclosure agreements. The identity of winning bidders and general information about proposals selected will become public at the time of the Commission's decision. The contracts and associated prices of selected proposals will ultimately become public.

5. PROPOSAL CONTENT REQUIREMENTS

Proposals must include:

5.1 Project Information

The following details regarding the proposed project must be included in a proposal:

- a. A description of the facility, including its qualification as a Class 1A resource as defined in the Act;
- b. The resource's commercial operation date (COD), or projected COD;
- c. A description of significant project development milestones and the current status of each including, but not necessarily limited to site control, permitting, interconnection and notice to proceed;
- d. The expected monthly energy and REC output for each year of the contract term;
- e. The annual energy quantities or quantity caps for the amount of energy and RECs for each year of the contract term;
- f. The hourly generation expected to be delivered to the delivery point (in MW) for each hour of the year (8760 hours), excluding any night-losses;
- g. Detailed information about the location of the facility, including a comprehensive description of the parcel(s) on which the project is located. Proposals should fully describe whether the facility is located on contaminated land and/or the extent to which the project minimizes the use of farmland that is not contaminated or forested land;
- h. To the extent the project claims it is entitled to receive the Primary Preference because the proposed project is located on contaminated land, the proposal must include:
 1. The percentage of the project footprint it claims is located on contaminated land;
 2. A map of the project footprint that clearly indicates those portions of the project located on contaminated land; and
 3. If available, a copy of DACF's determination that the land designated in Section 3.2.1 above, is contaminated land. If the bidder has not received a final determination from DACF, the proposal must state the date a determination was requested from DACF and provide a description of the current status of the request. A copy of DACF's determination must be provided as soon as practicable after it is

received and prior to the Commission making awards pursuant to this RFP;

- i. To the extent the project claims the Secondary Preference of minimizing use of farmland that is not contaminated land or forested land, proposals must include:
 1. A complete description of the property on which the project is located, including a discussion of whether the property is currently or has been used for farming or is forested;
 2. Photographs of the project location;
 3. The percentage of the project footprint located on farmland that is not contaminated land or forested land;
 4. If a project is located on uncontaminated farmland and does not result in making more than 10% of the project footprint unusable for agricultural purposes, the proposal must include a narrative description of the current agricultural use and how the proposed project and agriculture will coexist; and
 5. Either (i) or (ii), as applicable:
 - i. Sworn and notarized affidavits, substantially in the form provided on the RFP website, from both the developer and, if different, the landowner that no more than 10% of the project footprint will impact forested land or farmland.
 - ii. Sworn and notarized affidavits, substantially in the form provided on the RFP website, from both the project developer and the owner/operator of the farmland attesting that the project will not make more than 10% of the project footprint usable for its current agricultural purpose;
- j. Information about the interconnection location of the facility. For facilities delivering to ISO-NE, proposals should include the name and ID number of the delivery point pricing node or the pricing node closest to the expected node for the facility. A proposal should also identify other Class IA facilities interconnecting at the same interconnection point; and
- k. A description and quantification of the expected effects of the project on other renewable resources, as defined in 35-A M.R.S. § 3210(2)(C) due to congestion and curtailment. To the extent available, proposals should include, at minimum:

1. How often negative pricing occurs at the p-node where a project's generation is priced;
2. The typical duration of periods of negative pricing;
3. The probability that the project would increase the frequency or duration of periods of negative pricing;
4. The expected financial consequences of negative pricing on other renewable generators that were not operating under a power purchase agreement approved by the Commission; and
5. The benefit, if any, to ratepayers due to any anticipated price suppression that would be attributable to the project.

5.2 Economic Benefits to the State of Maine

Proposals should include detailed and specific information about, and a quantification of the value of, the expected economic and community benefits provided by the proposal, including but not limited to the following categories:

- a. Jobs that will be created;
- b. Excise, income, property and sales taxes that will be paid; and
- c. Goods and services that will be purchased.

The Commission will not consider the value of economic benefits in the selection process except as set forth in Section 3.2.4 of this RFP.

5.3 Corporate Structure and Affiliations, Financial and Technical Capability

Proposals should include information and supporting documents describing the corporate structure and ownership of the facility; 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 information and documentation demonstrating the technical experience and expertise of the facility owner and operator.

Proposals should also identify any affiliation with a Maine retail electricity customer that receives service at transmission or sub-transmission voltage.

5.4 Pricing

Pricing should be a firm and final bid. All contingencies associated with a proposal and/or pricing should be clearly indicated. As provided in Section 4.7, 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.

5.5 Bids for Combined Projects

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

Proposals for combined systems should specify the type of energy storage system as well as the storage system characteristics, which should include but not limited to round trip efficiency, the power capacity, energy capacity, storage duration, cycle life/ lifetime and expected degradation.

The proposal should identify in what manner the facility plans to operate the storage system to optimize its economic value and reduce greenhouse gas emissions. The operating plan should state what markets the project plans to participate in and who will be responsible for operating the storage system.

Each of the two separate proposals will be assessed based on the benefits to ratepayers, including but not limited to the following:

1. Cost reduction;
2. Peak demand reduction;
3. Deferral of investment in the transmission and distribution system;
4. Increase in the overall flexibility, reliability and resiliency of the electricity grid;
and
5. Reduction in greenhouse gas emissions.

5.6 Performance Security

Proposals shall include a proposed form of performance security.

Proposals should include evidence of the bidder's intent and ability to fulfill the Performance Security requirements should the proposal be selected. In particular, if a proposal includes providing a letter of credit as Seller Security, the proposal should include a statement from a qualified bank meeting the minimum credit rating criteria noted above that it would provide the Seller Security required for the proposal.

5.7 Proposal Security Deposit

Each proposal must be accompanied by a Proposal Security Deposit equal to the lesser of (i) \$10 per kW nameplate capacity of the project or (ii) \$100,000. Only one Proposal Security Deposit is required per project regardless of whether multiple pricing options are submitted. Deposits should be submitted directly to the T&D utility in whose service territory the project is located or as otherwise directed by the

Commission. The Proposal Security Deposit will (1) be refunded if a proposal is not selected or (2) be replaced with the Performance Security if a proposal is selected.

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.

5.8 Required Documents

In addition to the information provided in response to Sections 5.1 to 5.7 of this RFP, proposals must include the following documents:

1. A completed **Proposal Information Form** (Fillable form available at the RFP website). To the extent a bidder submits multiple pricing proposals for a single project, a separate Information Sheet must be completed for each pricing option;
2. A completed **8760 Form** (Template available at the RFP website) providing the expected output profile of the project, including estimated MW production on an hourly basis for each hour in the year in Excel format ; and
3. 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.

Required forms are available on the RFP Website.

6. RFP PROCESS

6.1 Overview of Process; Schedule

Proposals are due on or before 11:59 PM on November 1, 2024.

Instructions for submitting proposals will be posted to the RFP website at:

<https://www.maine.gov/mpuc/regulated-utilities/electricity/rfp-awarded-contracts/2024-00235>

The Commission Staff will review all proposals; may ask for supplemental and/or clarifying information from bidders; and/or may propose modifications to the proposed pricing or structure of the bid. Bidders may accept or reject any modifications proposed by Commission Staff.

The Commission reserves the right to revise, suspend, or terminate the RFP at its sole discretion. In such event, the Commission will inform all bidders as soon as reasonably possible. The Commission also reserves the right to extend the deadline for submission of proposals or to seek additional proposals pursuant to this RFP to ensure the objectives of the Act will be met.

6.2 RFP Documents and Information; Contact Persons

6.2.1. Questions; Requests for Additional Information. Bidders may submit questions or request additional information by email to:

PUC2024RenewablesRFP@maine.gov

To the extent bidder inquiries elicit generally applicable information or corrections / clarifications to existing information, Commission Staff will maintain a Question-and-Answer Log on the RFP Website. Bidder questions, information requests, and the Commission's responses will not otherwise be made generally available. The Commission will endeavor to respond to all questions and information requests, but it is not required to do so.

6.2.2. RFP Documents and Contact Person. The RFP and all related documents and information are available on the RFP Website. The RFP Contact Person is Sally Zeh, Director of Electric and Gas Utility Industries, Maine Public Utilities Commission. She can be reached at sally.zeh@maine.gov.

6.2.3. Changes / Supplements to RFP. All changes and supplements to the RFP and related materials will be posted to the RFP Website. Bidders are responsible for staying apprised of these updates and additions.

7. Miscellaneous

7.1 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.

7.2 Additional 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 type(s) and amounts of energy and RECs awarded 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.

7.3 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.

7.4 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.

7.5. Waiver

The Commission may waive any provision in the RFP if it finds such waiver is in the public interest, advances state policy, and would be consistent with the Act and Chapter 397.