

ILLINOIS POWER AGENCY BLOCK ENERGY/STANDARD PRODUCTS RFP APPENDIX 5: PART 2 FORM (ILLUSTRATIVE)

Pursuant to Illinois Public Act 95-0481, the Illinois Power Agency (“IPA”) filed a Procurement Plan, which provides for purchase of electric supply to serve certain customers of Ameren Illinois Company (“Ameren” or “AIC”), Commonwealth Edison Company (“ComEd”), and MidAmerican Energy Company (“MEC” or “MidAmerican”). AIC, ComEd, and MEC are each referred to as a “Company”.

The Part 2 Proposal consists of the online Part 2 Form, attachments that are uploaded to the application website (or sent to the Procurement Administrator via email), and a Pre-Bid Letter of Credit for each procurement event for which the Bidder intends to submit Bids sent to the applicable Company. Before completing the Part 2 Form for the Block Energy/Standard Products RFP (“STP RFP”), please review the RFP Rules, the (AIC) Confirmation Agreement, the (ComEd) Master Agreement, and the (MEC) Confirmation Agreement so that you understand the conditions under which the STP RFP will be conducted. These documents are available on the procurement website, www.ipa-energyrfp.com.

Having submitted a Part 1 Proposal in response to the STP RFP, you have agreed to all the terms and conditions of the RFP.

Any information that you provide in this Part 2 Proposal is provided on a confidential basis to the Procurement Administrator, and may be provided on a confidential basis to the Procurement Monitor, to the Illinois Power Agency (“IPA”), or to the Staff of the Illinois Commerce Commission (“ICC”). Each Company’s representatives receive, review, and evaluate any Pre-Bid Letter of Credit for the Company.

INSTRUCTIONS FOR PROPOSAL

Bidders use the online Part 2 Form and upload required documents to respond to the requirements of the Part 2 Proposal as detailed in the RFP Rules.

The Procurement Administrator evaluates Bids submitted in accordance with the RFP for each Bidder that qualifies pursuant to a successful Part 1 Proposal and that submits a Part 2 Proposal that fulfills all the requirements of the RFP Rules.

Please complete all sections. If a section does not pertain to you, you will be required to check a box and move on to the next section.

I. Part 2 Proposal Submission

A Bidder must:

- Complete the online Part 2 Form in its entirety;
- Submit a Pre-Bid Letter of Credit for each procurement event for which the Bidder intends to submit Bids sent by overnight delivery service to the applicable Company; and
- Submit **one (1) copy** of all other documents, including Inserts, required to support the Part 2 Form by email to Illinois-RFP@nera.com or by upload to the application website. All inserts are available on the procurement website.

All times are Central Prevailing Times (“CPT”) unless specifically noted.

*The online Part 2 Form must be submitted no later than
12 PM (noon) CPT on March 16, 2017 (the Part 2 Date).*

Some of the documents required to support the Part 2 Form are “Inserts”. Each of these Inserts will be available as a separate form on the procurement website or from the Procurement Administrator.

A Bidder that is required to submit a particular Insert will complete this form and upload the form to the application website (or send the form by email). If the Insert requires a signature, a Bidder will sign the completed form, will scan the completed and signed form, and upload the scanned form to the application website (or send the form by email). **For illustrative purposes, the Inserts are shown throughout this Part 2 Form in orange boxes.** The format and exact content of the Inserts may differ from the illustrative Inserts provided throughout this Part 2 Form. **Fields for upload of other documents are designated by a paperclip.**

Inquiries may be directed to the Procurement Administrator through the “Ask a Question” page on the procurement website at www.ipa-energyrfp.com.

II. Part 2 Proposal Processing

Notifications

Any notification or other written communication from the Procurement Administrator sent by email will be sent to the email addresses provided for the Representative and the Nominee(s). Any such notification or communication will be deemed received by the Bidder at the time of delivery or transmission, provided that when delivery or transmission occurs after 6 PM on a business day or occurs on a day that is not a business day, receipt will be deemed to occur at 9 AM on the following business day. Any communication from the Bidder to the Procurement Administrator by email, for example to advise the Procurement Administrator that the online Part 1 Form has been updated, should be addressed to Illinois-RFP@nera.com to ensure a prompt reply.

Acknowledgment of Receipt

The exclusive method for an Applicant to respond to requirements of the Part 2 Proposal is the use of the online Part 2 Form together with the use of Inserts to the Part 2 Form available as separate forms on the procurement website or from the Procurement Administrator. Supporting documents and Inserts may be uploaded to the application website or sent to the Procurement Administrator via email. The Pre-Bid Letter of Credit must be sent through overnight delivery service to each Company for which the Bidder intends to submit Bids. Upon first submission of the online Part 2 Form or supporting documents, the Procurement Administrator acknowledges receipt by email.

Timing of Part 2 Proposal Review

All materials for the Part 2 Proposal, except a Bidder's Bids, must be received by 12 PM (noon) on the Part 2 Date. Bids must be received before the close of the pre-specified Bid Window on the Bid Date. If a Part 2 Proposal (excluding Bids) arrives before 12 PM (noon) on any day during the Part 2 Window, the Procurement Administrator acknowledges receipt on the day the Part 2 Proposal is received with the results of an initial review. If a Part 2 Proposal (excluding Bids) is received after 12 PM (noon) on any day during the Part 2 Window prior to the Part 2 Date, the Procurement Administrator sends acknowledgement of receipt along with the initial review by 12 PM (noon) of the next business day. The initial review states either that the Part 2 Proposal is complete and is being considered, or the initial review lists items of the Part 2 Proposal that are incomplete or require clarification.

Deficiencies

If the Part 2 Proposal is incomplete or requires clarification, the Procurement Administrator sends a deficiency notice to the Bidder. If a Bidder receives a first deficiency notice from the Procurement Administrator regarding any item of the Part 2 Proposal except for matters related to a Pre-Bid Letter of Credit, the Bidder has until 12 PM (noon) on the Part 2 Date, or until 6 PM on the business day following the business day during which such deficiency notice is sent to the Bidder, whichever comes later, to respond. If a Bidder receives a first deficiency notice from the Procurement Administrator regarding a Pre-Bid Letter of Credit, the Bidder has until 12 PM (noon) on the Part 2 Date, or by 6 PM on the second business day following the business day during which such a first deficiency notice is sent to the Bidder, whichever comes later. In no event will a Bidder be allowed to respond after 12 PM (noon) on the Bid Date. If the Bidder does not correct or adequately explain the deficiency within the time allowed, the Part 2 Proposal may be rejected. If the Part 2 Proposal (excluding Bids) is complete, the Procurement Administrator sends a notice that the Part 2 Proposal (excluding Bids) is complete and is being considered.

Late Part 2 Proposals

No late Part 2 Proposals will be accepted under any circumstances.

Bidders Under Agency Agreements

To ensure that all Bidders to the RFP are treated on a fair and equal basis, an entity submitting a Proposal under an Agency Agreement is required to provide additional information.

PART 2 FORM

Requirements of the Part 2 Proposal apply to all Bidders, whether previously qualified or not.

1. Contact Information

THE BIDDER MUST REVIEW THE ADDRESS FOR THE BIDDER AND THE CONTACT INFORMATION OF INDIVIDUALS NAMED IN THE PART 1 FORM. THE BIDDER MUST UPDATE THIS INFORMATION AS NECESSARY.

Does the information provided in the Part 1 Proposal in regards to the address for the Bidder and the contact information for the individuals named in the Part 1 Proposal (the Officer of the Bidder, the Representative, and the Nominees) remain valid?

Yes No

If YES, please proceed to the next section.

If NO, you must provide all updates in the fields below.

Address of the Bidder

Street Address

City

State

Zip Code

Contact Information for the Officer of the Bidder

Title of Officer of the Bidder

Street Address

City

State

Zip Code

Tel. No.

Alternate Tel. No. (if available)

Email Address

Contact Information for the Representative

Street Address

City

State

Zip Code

Tel. No. of Representative

Alternate Tel. No. (if available)

Email Address of Representative

IF THE CONTACT INFORMATION FOR ONE OR MORE OF THE NOMINEE(S) IS NO LONGER VALID, THE OFFICER OF THE BIDDER OR THE REPRESENTATIVE MUST UPDATE THIS INFORMATION BY FULLY COMPLETING THE NOMINEE INSERT (ALSO LABELLED INSERT #P1-2). The Bidder provides updates to the Nominee Insert by email or by upload to the application website.

Name of Bidder

NOMINEE INSERT (#P 1-2)

_____ (the Officer of the Bidder or the Representative) authorizes the individual(s) whose contact information is immediately below to receive all correspondence from the Procurement Administrator.

Signature of Officer or Representative

Date

Contact Information for Nominee #1

Given Name(s)

Last Name

Mr/Mrs/Ms/Dr/(other)

Title

Telephone No.

Alternate Telephone No. (if available)

Email Address

Contact Information for Nominee #2

Given Name(s)

Last Name

Mr/Mrs/Ms/Dr/(other)

Title

Telephone No.

Alternate Telephone No. (if available)

Email Address

Contact Information for Nominee #3

Given Name(s)

Last Name

Mr/Mrs/Ms/Dr/(other)

Title

Telephone No.

Alternate Telephone No. (if available)

Email Address

2. Requirements for Bidders on AIC Products/Combinations

Only Bidders that submit to the requirements of this section can be qualified to bid on AIC Products and/or Combinations.

Do you intend to bid on AIC Products and/or Combinations?

Yes

No

If NO, please proceed to the next section.

If YES, please provide the information required by this section.

First Item: Indicative Quantity and Pre-Bid Letter of Credit

A BIDDER'S INDICATIVE QUANTITY FOR A COMPANY IS THE TOTAL NUMBER OF BLOCKS THAT THE BIDDER INTENDS TO BID ACROSS ALL SEGMENTS AND MONTHS. THE BIDDER MUST PROVIDE ITS INDICATIVE QUANTITY FOR AIC AND CALCULATE THE AMOUNT REQUIRED FOR THE PRE-BID LETTER OF CREDIT, WHICH IS THE GREATER OF \$5,000 PER BLOCK OF THE BIDDER'S INDICATIVE QUANTITY OR \$250,000.

Amount of Pre-Bid Letter of Credit for AIC

= Indicative Quantity for AIC as a number of blocks (0) x (\$5,000)

= \$ 0

If the above amount calculated above is less than \$250,000, the required amount of the Pre-Bid Letter of Credit for AIC is:

= \$250,000

THE ORIGINAL OF THE EXECUTED PRE-BID LETTER OF CREDIT, DRAWN FOR THE ACCOUNT OF THE BIDDER, MUST BE SENT VIA OVERNIGHT DELIVERY SERVICE TO: Managing Supervisor, Credit Risk Management, Ameren Services, 1901 Chouteau Avenue, MC 960, St. Louis, MO 63103 (Attention: Tim Moloney, 314.613.9139).

THE BIDDER MUST EITHER USE THE STANDARD PRE-BID LETTER OF CREDIT FOR AIC PROVIDED AS AN APPENDIX TO THE RFP RULES, OR THE BIDDER MUST SUBMIT A PRE-BID LETTER OF CREDIT THAT INCORPORATES ONLY THOSE MODIFICATIONS TO THE STANDARD PRE-BID LETTER OF CREDIT APPROVED BY THE COMPANY AND POSTED TO THE PROCUREMENT WEBSITE.

The conditions under which payment can be demanded by AIC under the Pre-Bid Letter of Credit are specified in the RFP Rules. The Pre-Bid Letter of Credit must expire no earlier than fourteen (14) business days after the anticipated date of the Commission decision on the procurement event.

Second Item: Special Instructions

THIS ITEM IS OPTIONAL. YOU MAY LEAVE THIS ITEM BLANK.

PLEASE PROVIDE ANY SPECIAL INSTRUCTIONS FOR RETURNING THE PRE-BID LETTER OF CREDIT FOR AIC BELOW.

Special Instructions for returning the Pre-Bid Letter of Credit for AIC (*optional*)

Third Item: Certifications

THE OFFICER OF THE BIDDER MUST MAKE A NUMBER OF CERTIFICATIONS AND ACKNOWLEDGMENTS. THE SIGNATURE OF THE OFFICER OF THE BIDDER MUST BE NOTARIZED OR ATTESTED WITH THE CORPORATE SEAL. THE OFFICER OF THE BIDDER MAKES SUCH CERTIFICATIONS AND ACKNOWLEDGMENTS BY COMPLETING THE AIC P2 CERTIFICATIONS INSERT PREPARED FOR THIS PURPOSE. THE BIDDER PROVIDES THE AIC P2 CERTIFICATIONS INSERT BY EMAIL OR BY UPLOAD TO THE APPLICATION WEBSITE. The AIC P2 Certifications Insert is available on the procurement website. The AIC P2 Certifications Insert is also labelled INSERT #P2-1.

Name of Bidder

AIC P2 CERTIFICATIONS INSERT (#P2-1)

I agree that if the amount of the Pre-Bid Letter of Credit for AIC is insufficient to support the Bidder's Bids for AIC, the Procurement Administrator may amend the Bidder's Bid Forms in a manner consistent with the process described in the RFP Rules. I certify that:

- (1) The Part 2 Proposal will remain in full force and effect until nine (9) business days after the Bid Date;
- (2) To the best of my knowledge and belief, all information provided in the Part 2 Proposal is true and accurate;
- (3) The Bidder is bidding independently and has no knowledge of any Proposal being submitted for this procurement event by another Bidder in response to the RFP;
- (4) The Bidder has maintained and will continue to maintain the confidentiality of its Proposal during the preparation of the Proposal;
- (5) The Bidder has taken all necessary care to uphold the confidentiality of its Proposal in its communications with its financial institution for the purpose of arranging for the Pre-Bid Letter of Credit or in its communications with advisors, if any;
- (6) With the exceptions of communications with the Bidder's financial institution for the purpose of arranging for the Pre-Bid Letter of Credit or communications with advisors (if any), the Bidder has not disclosed, and will not otherwise disclose, publicly or to any other party any information relating to its Proposal, which could have an effect on whether another party submits a Proposal to the procurement event, or on the contents of such Proposal that another Bidder would be willing to submit. Such information is defined in the RFP Rules. I acknowledge that this certification must hold until the ICC has rendered its decision on the results of the procurement event;

- (7) Any Bid on any Product or on any Combination submitted in response for this procurement event is binding until nine (9) business days after the Bid Date. Each Bid constitutes a binding and irrevocable offer to supply a block of a Product or a block of the Combination at the price provided as the Bid and under the terms of the (AIC) Confirmation Agreement. All Bids together constitute a binding and irrevocable offer to supply, under the terms of the (AIC) Confirmation Agreement, the number of blocks of each Product at each price submitted and the number of blocks of each Combination at each price submitted up to the maximum willingness to supply for each Segment of each month; and
- (8) A binding and enforceable obligation arises under the terms of the (AIC) Confirmation Agreement to execute the (AIC) Confirmation Agreement and related documents to supply and deliver energy to AIC for each Segment of each month for which the Bidder's Bids are approved by the ICC. For each Segment of each month, the price paid to the Bidder is the average of the Bidder's own winning Bids for all blocks of the Product and for all blocks of a Combination that includes that Segment of that month.

I acknowledge that, if the ICC approves some or all of the Bidder's Bids for AIC Products and/or Combinations:

- (9) The Bidder will sign a partially executed electronic copy of the (AIC) Confirmation Agreement and any other related documents and send such fully executed signature pages to AIC electronically by 4 PM CPT on the second business day after the ICC decision;
- (10) The Bidder will submit, if applicable, a fully executed Guaranty to AIC electronically by 4 PM CPT on the second business day after the ICC decision; and
- (11) The Bidder will complete payment of the Supplier Fees due to the IPA by the seventh business day after being notified of the ICC decision.

Signature of Officer of the Bidder

Date

Printed Name

Signature and Seal from Notary Public

Date

3. Requirements for Bidders on ComEd Products/Combinations

Only Bidders that submit to the requirements of this section can be qualified to bid on ComEd Products and/or Combinations.

Do you intend to bid on ComEd Products and/or Combinations?

Yes No

If NO, please proceed to the next section.

If YES, please provide the information required by this section.

First Item: Indicative Quantity and Pre-Bid Letter of Credit

A BIDDER'S INDICATIVE QUANTITY FOR A COMPANY IS THE TOTAL NUMBER OF BLOCKS THAT THE BIDDER INTENDS TO BID ACROSS ALL SEGMENTS AND MONTHS. THE BIDDER MUST PROVIDE ITS INDICATIVE QUANTITY FOR COMED AND CALCULATE THE AMOUNT REQUIRED FOR THE PRE-BID LETTER OF CREDIT, WHICH IS THE GREATER OF \$5,000 PER BLOCK OF THE BIDDER'S INDICATIVE QUANTITY FOR COMED OR \$250,000.

Amount of Pre-Bid Letter of Credit for ComEd

$$\begin{aligned} &= \text{Indicative Quantity for ComEd as a number of blocks } (\underline{0}) \times (\$5,000) \\ &= \$ \underline{0} \end{aligned}$$

If the above amount calculated above is less than \$250,000, the required amount of the Pre-Bid Letter of Credit for ComEd is:

$$= \$250,000$$

THE ORIGINAL OF THE EXECUTED PRE-BID LETTER OF CREDIT, DRAWN FOR THE ACCOUNT OF THE BIDDER, MUST BE SENT VIA OVERNIGHT DELIVERY SERVICE TO: Vice President, Energy Acquisition, Commonwealth Edison Company, 1919 Swift Drive, Oakbrook, IL 60523-1580 (telephone: 630.684.3558).

THE BIDDER MUST EITHER USE THE STANDARD PRE-BID LETTER OF CREDIT FOR COMED PROVIDED AS AN APPENDIX TO THE RFP RULES, OR THE BIDDER MUST SUBMIT A PRE-BID LETTER OF CREDIT THAT INCORPORATES ONLY THOSE MODIFICATIONS TO THE STANDARD PRE-BID LETTER OF CREDIT APPROVED BY THE COMPANY AND POSTED TO THE PROCUREMENT WEBSITE.

The conditions under which payment can be demanded by ComEd under the Pre-Bid Letter of Credit are specified in the RFP Rules. The Pre-Bid Letter of Credit must expire no earlier than fourteen (14) business days after the anticipated date of the Commission decision on the procurement event.

Second Item: Special Instructions

THIS ITEM IS OPTIONAL. YOU MAY LEAVE THIS ITEM BLANK.

PLEASE PROVIDE ANY SPECIAL INSTRUCTIONS FOR RETURNING THE PRE-BID LETTER OF CREDIT FOR COMED BELOW.

Special Instructions for returning the Pre-Bid Letter of Credit for ComEd (*optional*)

Third Item: Certifications

THE OFFICER OF THE BIDDER MUST MAKE A NUMBER OF CERTIFICATIONS AND ACKNOWLEDGMENTS. THE SIGNATURE OF THE OFFICER OF THE BIDDER MUST BE NOTARIZED OR ATTESTED WITH THE CORPORATE SEAL. THE OFFICER OF THE BIDDER MAKES SUCH CERTIFICATIONS AND ACKNOWLEDGEMENTS BY COMPLETING THE COMED P2 CERTIFICATIONS INSERT PREPARED FOR THIS PURPOSE. THE BIDDER PROVIDES THE COMED P2 CERTIFICATIONS INSERT BY EMAIL OR BY UPLOAD TO THE APPLICATION WEBSITE. The ComEd P2 Certifications Insert is available on the procurement website. The ComEd P2 Certifications Insert is also labelled INSERT #P2-2.

Name of Bidder

COMED P2 CERTIFICATIONS INSERT (#P2-2)

I agree that if the amount of the Pre-Bid Letter of Credit for ComEd is insufficient to support the Bidder's Bids for ComEd, the Procurement Administrator may amend the Bidder's Bid Forms in a manner consistent with the process described in the RFP Rules. I certify that:

- (1) The Part 2 Proposal will remain in full force and effect until nine (9) business days after the Bid Date;
- (2) To the best of my knowledge and belief, all information provided in the Part 2 Proposal is true and accurate;
- (3) The Bidder is bidding independently and has no knowledge of any Proposal being submitted for this procurement event by another Bidder in response to the RFP;
- (4) The Bidder has maintained and will continue to maintain the confidentiality of its Proposal during the preparation of the Proposal;
- (5) The Bidder has taken all necessary care to uphold the confidentiality of its Proposal in its communications with its financial institution for the purpose of arranging for the Pre-Bid Letter of Credit or in its communications with advisors, if any;
- (6) With the exceptions of communications with the Bidder's financial institution for the purpose of arranging for the Pre-Bid Letter of Credit or communications with advisors (if any), the Bidder has not disclosed, and will not otherwise disclose, publicly or to any other party any information relating to its Proposal, which could have an effect on whether another party submits a Proposal to the procurement event, or on the contents of such Proposal that another Bidder would be willing to submit. Such information is defined in the RFP Rules. I acknowledge that this certification must hold until the ICC has rendered its decision on the results of the procurement event;

- (7) Any Bid on any Product or on any Combination submitted in response for this procurement event is binding until nine (9) business days after the Bid Date. Each Bid constitutes a binding and irrevocable offer to supply a block of a Product or a block of the Combination at the price provided as the Bid and under the terms of the (ComEd) Master Agreement. All Bids together constitute a binding and irrevocable offer to supply, under the terms of the (ComEd) Master Agreement, the number of blocks of each Product at each price submitted and the number of blocks of each Combination at each price submitted up to the maximum willingness to supply for each Segment of each month; and
- (8) A binding and enforceable obligation arises under the terms of the (ComEd) Master Agreement to execute the (ComEd) Master Agreement, Confirmation, and related documents to supply and deliver energy to ComEd for each Segment of each month for which the Bidder's Bids are approved by the ICC. For each Segment of each month, the price paid to the Bidder is the average of the Bidder's own winning Bids for all blocks of the Product and for all blocks of a Combination that includes that Segment of that month.

I acknowledge that, if the ICC approves some or all of the Bidder's Bids for ComEd Products and/or Combinations:

- (9) The Bidder will sign a partially executed electronic copy of the (ComEd) Master Agreement, including any Confirmations, any Guaranty, if applicable, and any other related documents and send such fully executed signature pages to ComEd electronically by 4 PM CPT on the second business day after the ICC decision; and
- (10) The Bidder will complete payment of the Supplier Fees due to the IPA by the seventh business day after being notified of the ICC decision.

Signature of Officer

Date

Printed Name

Signature and Seal from Notary Public

Date

4. Requirements for Bidders on MEC Products/Combinations

Only Bidders that submit to the requirements of this section can be qualified to bid on MEC Products and/or Combinations.

Do you intend to bid on MEC Products and/or Combinations?

Yes No

If NO, please proceed to the next section.

If YES, please provide the information required by this section.

First Item: Indicative Quantity and Pre-Bid Letter of Credit

A BIDDER'S INDICATIVE QUANTITY FOR A COMPANY IS THE TOTAL NUMBER OF BLOCKS THAT THE BIDDER INTENDS TO BID ACROSS ALL SEGMENTS AND MONTHS. THE BIDDER MUST PROVIDE ITS INDICATIVE QUANTITY FOR MEC AND CALCULATE THE AMOUNT REQUIRED FOR THE PRE-BID LETTER OF CREDIT, WHICH IS THE GREATER OF \$5,000 PER BLOCK OF THE BIDDER'S INDICATIVE QUANTITY OR \$25,000.

Amount of Pre-Bid Letter of Credit for MEC

= Indicative Quantity for MEC as a number of blocks (0) x (\$5,000)

= \$ 0

If the above amount calculated above is less than \$25,000, the required amount of the Pre-Bid Letter of Credit for MEC is:

= \$25,000

THE ORIGINAL OF THE EXECUTED PRE-BID LETTER OF CREDIT, DRAWN FOR THE ACCOUNT OF THE BIDDER, MUST BE SENT VIA OVERNIGHT DELIVERY SERVICE TO: Christy Harger, Director, Risk Management Finance/Accounting, MidAmerican Energy Company, 4299 NW Urbandale Drive, Urbandale, IA 50322 (telephone: 515.281.2773).

THE BIDDER MUST EITHER USE THE STANDARD PRE-BID LETTER OF CREDIT FOR MEC PROVIDED AS AN APPENDIX TO THE RFP RULES, OR THE BIDDER MUST SUBMIT A PRE-BID LETTER OF CREDIT THAT INCORPORATES ONLY THOSE MODIFICATIONS TO THE STANDARD PRE-BID LETTER OF CREDIT APPROVED BY THE COMPANY AND POSTED TO THE PROCUREMENT WEBSITE.

The conditions under which payment can be demanded by MEC under the Pre-Bid Letter of Credit are specified in the RFP Rules. The Pre-Bid Letter of Credit must expire no earlier than fourteen (14) business days after the anticipated date of the Commission decision on the procurement event.

Second Item: Special Instructions

THIS ITEM IS OPTIONAL. YOU MAY LEAVE THIS ITEM BLANK.

PLEASE PROVIDE ANY SPECIAL INSTRUCTIONS FOR RETURNING THE PRE-BID LETTER OF CREDIT FOR MEC BELOW.

Special Instructions for returning the Pre-Bid Letter of Credit for MEC (*optional*)

Third Item: Certifications

THE OFFICER OF THE BIDDER MUST MAKE A NUMBER OF CERTIFICATIONS AND ACKNOWLEDGMENTS. THE SIGNATURE OF THE OFFICER OF THE BIDDER MUST BE NOTARIZED OR ATTESTED WITH THE CORPORATE SEAL. THE OFFICER OF THE BIDDER MAKES ALL CERTIFICATIONS AND ACKNOWLEDGMENTS BY COMPLETING THE MEC P2 CERTIFICATIONS INSERT PREPARED FOR THIS PURPOSE. THE BIDDER PROVIDES THE MEC P2 CERTIFICATIONS INSERT BY EMAIL OR BY UPLOAD TO THE APPLICATION WEBSITE. The MEC P2 Certifications Insert is available on the procurement website. The MEC P2 Certifications Insert is also labelled INSERT #P2-3.

Name of Bidder

MEC P2 CERTIFICATIONS INSERT (#P2-3)

I agree that if the amount of the Pre-Bid Letter of Credit for MEC is insufficient to support the Bidder's Bids for MEC, the Procurement Administrator may amend the Bidder's Bid Forms in a manner consistent with the process described in the RFP Rules. I certify that:

- (1) The Part 2 Proposal will remain in full force and effect until nine (9) business days after the Bid Date;
- (2) To the best of my knowledge and belief, all information provided in the Part 2 Proposal is true and accurate;
- (3) The Bidder is bidding independently and has no knowledge of any Proposal being submitted for this procurement event by another Bidder in response to the RFP;
- (4) The Bidder has maintained and will continue to maintain the confidentiality of its Proposal during the preparation of the Proposal;
- (5) The Bidder has taken all necessary care to uphold the confidentiality of its Proposal in its communications with its financial institution for the purpose of arranging for the Pre-Bid Letter of Credit or in its communications with advisors, if any;
- (6) With the exceptions of communications with the Bidder's financial institution for the purpose of arranging for the Pre-Bid Letter of Credit or communications with advisors (if any), the Bidder has not disclosed, and will not otherwise disclose, publicly or to any other party any information relating to its Proposal, which could have an effect on whether another party submits a Proposal to the procurement event, or on the contents of such Proposal that another Bidder would be willing to submit. Such information is defined in the RFP Rules. I acknowledge that this certification must hold until the ICC has rendered its decision on the results of the procurement event;

- (7) Any Bid on any Product or on any Combination submitted in response for this procurement event is binding until nine (9) business days after the Bid Date. Each Bid constitutes a binding and irrevocable offer to supply a block of a Product or a block of the Combination at the price provided as the Bid and under the terms of the (MEC) Confirmation Agreement. All Bids together constitute a binding and irrevocable offer to supply, under the terms of the (MEC) Confirmation Agreement, the number of blocks of each Product at each price submitted and the number of blocks of each Combination at each price submitted up to the maximum willingness to supply for each Segment of each month; and
- (8) A binding and enforceable obligation arises under the terms of the (MEC) Confirmation Agreement to execute the (MEC) Confirmation Agreement and related documents to supply and deliver energy to MEC for each Segment of each month for which the Bidder's Bids are approved by the ICC. For each Segment of each month, the price paid to the Bidder is the average of the Bidder's own winning Bids for all blocks of the Product and for all blocks of a Combination that includes that Segment of that month.

I acknowledge that, if the ICC approves some or all of the Bidder's Bids for MEC Products and/or Combinations:

- (9) The Bidder will sign a partially executed electronic copy of the (MEC) Confirmation Agreement and any other related documents and send such fully executed signature pages to MEC electronically by 4 PM CPT on the second business day after the ICC decision;
- (10) The Bidder will submit, if applicable, a fully executed Guaranty to MEC electronically by 4 PM CPT on the second business day after the ICC decision; and
- (11) The Bidder will complete payment of the Supplier Fees due to the IPA by the seventh business day after being notified of the ICC decision.

Signature of Officer of the Bidder

Date

Printed Name

Signature and Seal from Notary Public

Date

5. Bidders Applying Under Agency Agreements

The additional requirements of this section apply only to Bidders submitting a Proposal under an Agency Agreement.

Are you submitting a Proposal under an Agency Agreement?

Yes

No

If NO, please proceed to the next section.

If YES, PLEASE PROVIDE THE AGENCY P2 INSERT PREPARED FOR THIS PURPOSE. THE BIDDER PROVIDES THE AGENCY P2 INSERT BY EMAIL OR BY UPLOAD TO THE APPLICATION WEBSITE. The Agency P2 Insert is available on the procurement website. The Agency P2 Insert is also labelled INSERT #P2-4.

Name of Bidder

AGENCY P2 INSERT (#P2-4)

First Item: Officers' Certificate

If the Bidder is applying under an Agency Agreement, the Bidder must provide an Officers' Certificate, substantially in the form of Appendix 14 of the RFP Rules prepared for this purpose and signed by an officer of each Principal. Information regarding the requirements for the Officers' Certificate can be found in the RFP Rules. **THE BIDDER MUST SUBMIT ONE (1) COPY OF THE OFFICERS' CERTIFICATE TO THE PROCUREMENT ADMINISTRATOR BY EMAIL OR BY UPLOAD TO THE APPLICATION WEBSITE.**

Second Item: Representative of the Principal

Is the Officer of the Bidder authorized to execute the applicable supplier contract documents on behalf of the principals?

Yes

No

If YES, please proceed to the next section.

If NO, please provide all information required below to name a representative of the Principal who is so authorized. This individual will execute the applicable supplier contract.

Given Name(s) of Representative

Last Name

Mr/Mrs/Ms/Dr/(other)

Telephone No. of Representative

Alternate Telephone No.

Email Address of Representative

THIS INDIVIDUAL MUST ALSO EXECUTE THE TWO (2) ORIGINALS OF THE SIGNATURE PAGES OF THE APPLICABLE SUPPLIER CONTRACT ON THE SECOND BUSINESS DAY AFTER THE ICC DECISION.

6. Foreign Entity as RFP Guarantor

Are you relying on the financial standing of a Foreign Entity as Guarantor?

Yes No

If NO, please proceed to the next section.

If YES, please proceed to the next question.

Do you intend to bid on ComEd Products and/or Combinations?

Yes No

If NO, please proceed to the next section.

If YES, please provide the information required by this section.

First Item: Agent for Acceptance of Service of Process

PLEASE PROVIDE THE NAME AND CONTACT INFORMATION OF AN AGENT IN THE UNITED STATES FOR ACCEPTANCE OF SERVICE OF PROCESS FOR THE FOREIGN ENTITY AS RFP GUARANTOR:

Legal Name of Agent

Street Address

City

State

Zip Code

Given Name(s) of Contact

Last Name of Contact

Mr/Mrs/Ms/Dr/(other)

Title/Position of Contact

Telephone No. of Contact

Alternate Telephone No.

Email Address of Contact

Fax No. of Contact

Second Item: Documents for Foreign Entity as RFP Guarantor

Are you currently a Seller to ComEd under a previously executed (ComEd) Master Agreement from a prior procurement event under the STP RFP?

Yes No

If NO, please provide the documents listed below.

If YES, please proceed to the next question.

Do you currently have a Guaranty in place under the (ComEd) Master Agreement with the Foreign Entity as RFP Guarantor?

Yes No

If NO, please provide the documents listed below.

If YES, please proceed to the next question.

Do all documents already provided to ComEd pertaining to the Foreign Entity as RFP Guarantor (the legal opinion and sworn certificates) remain valid under the terms of the (ComEd) Master Agreement for the procurement event under this STP RFP?

Yes No

If NO, please provide the documents listed below.




If YES, please proceed to the next section.

THE BIDDER MUST PROVIDE SCANNED ORIGINALS OF THE FOLLOWING DOCUMENTS BY EMAIL TO THE PROCUREMENT ADMINISTRATOR OR BY UPLOAD TO THE APPLICATION WEBSITE.

(1) **One scanned (1) original** executed Opinion of independent counsel qualified to practice law and render legal opinions in the foreign jurisdiction in which the Foreign Entity is formed or organized that: (a) under the law of the jurisdiction where the Foreign Entity is organized, the necessary steps have been taken to cause the Guaranty, when executed and delivered on behalf of the Foreign Entity, to become a valid and enforceable obligation of the Foreign Entity; (b) the Guaranty, when executed and delivered on behalf of the Foreign Entity, will be, to the extent that the law of the Foreign Entity’s jurisdiction of organization is applicable to the enforcement of the Foreign Entity’s obligations thereunder, a valid and enforceable obligation of that Foreign Entity, enforceable against it in accordance with its terms, subject to any enumerated customary exceptions under the law of such jurisdiction; and (c) under law of the jurisdiction where the Foreign Entity is organized, the choice of Illinois or New York law to govern the Guaranty is valid and enforceable against such Foreign Entity.

(2) **One scanned (1) original** sworn certificate of the corporate secretary (or similar officer) of the Foreign Entity that the person executing the Guaranty on behalf of the Foreign Entity has the authority to execute the Guaranty and that the governing board of such Foreign Entity has approved the execution of the Guaranty.

(3) **One scanned (1) original** sworn certificate of the corporate secretary (or similar officer) of the Foreign Entity that the Foreign Entity has been authorized by its governing board to enter into agreements of the same type as the Guaranty.

	<i>Executed Opinion</i>
	<i>Sworn certificate that the person executing the Guaranty has the authority to execute the Guaranty and that the governing board of such Foreign Entity has approved the execution of the Guaranty</i>
	<i>Sworn certificate that the Foreign Entity has been authorized by its governing board to enter into agreements of the same type as the Guaranty</i>

COMED WILL EVALUATE THE SUFFICIENCY OF THE DOCUMENTS SUBMITTED BY THE BIDDER WITH THE PART 2 PROPOSAL IN ITS SOLE AND ABSOLUTE DISCRETION, WITHOUT LIABILITY OR RECOURSE BY THE RFP GUARANTOR OR THE BIDDER. ComEd may require a payment of up to \$10,000 for review of the documents.

7. Bids

REMINDER: Each Bidder submits its Bids electronically. The Procurement Administrator provides electronically to each Bidder qualified pursuant to a successful Part 1 Proposal the Bid Forms as well as a set of instructions. These instructions guide the Bidder for completion of the Bid Form, for optional encryption of the Bid Form, for submission of the completed Bid Form to the Procurement Administrator via a secure file transfer interface, as well as instructions for email submission of Bids in case of technical difficulties with the electronic transfer.

IMPORTANT! The Procurement Administrator also provides electronically to each Bidder qualified pursuant to a successful Part 1 Proposal information required for the submission of Bids, including a username, password, and security codes. This information is unique to each Bidder and allows the Procurement Administrator to authenticate the Bids received. The Bidder must either confirm that all such information and documents were received or the Bidder must request that such information and documents be re-issued.

PLEASE PROVIDE THIS CONFIRMATION BELOW.

I confirm receipt of the Bid Forms, instructions, and confidential information for the submission of Bids.







OR

I request that such information and documents be re-issued.

8. Justification of Omissions

IF YOU ARE UNABLE TO PROVIDE ANY OF THE DOCUMENTS OR INFORMATION REQUIRED IN THE PART 2 PROPOSAL, PLEASE JUSTIFY FULLY ANY OMISSIONS IN THE SPACE PROVIDED BELOW. IF YOU WANT TO PROVIDE ADDITIONAL INFORMATION, PLEASE DO SO BELOW.

IF YOU NEED TO PROVIDE ADDITIONAL DOCUMENTS PLEASE PROVIDE THESE BY EMAIL OR BY UPLOAD TO THE APPLICATION WEBSITE (BELOW).

End of Part 2 Form