

after such notification occurs. The IPA prepares the applicable supplier contract documents.

VI.2.12. If the ICC accepts the results of a procurement event, the Procurement Administrator will notify all Bidders that submitted Bids whether some or all of their Bids were accepted by the ICC. Bidders that have some or all of their Bids accepted by the ICC are called winning Bidders for the procurement event.

VI.2.13. At the time of ICC approval of a procurement event, the names of winning Bidders and the average of the winning bid prices are made public. The Act states that participants in the procurement process will maintain the confidentiality of all other supplier and bidding information.

VI.3. Personnel and Confidentiality

VI.3.1. Any information provided by a Bidder in its Part 1 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 IPA, or to ICC Staff.

VI.3.2. Any information provided by a Bidder in its 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 IPA, or to the ICC Staff.

VI.3.3. The Procurement Administrator, the Procurement Monitor, and representatives from the IPA involved in the evaluation of Proposals will consider all data and information provided by Bidders in response to this RFP to be confidential and will attempt to limit its disclosure to the public in accordance with the provisions of this Section. Each Representative of the Procurement Administrator and Procurement Monitor that has access to any portion of the Proposals is required to sign a Confidentiality Statement in the form of

Appendix 8 to these RFP Rules prior to evaluation of any portion of the Proposals. The list of all signatories is available to a Bidder upon request.

VI.3.4. However, absolute protection from public disclosure of the Bidders' data and information filed in response to this RFP cannot be provided and is not intended. By submitting a Proposal in response to this RFP, each Bidder acknowledges and agrees to the limitations of the confidentiality provisions set forth in this Section.

VI.3.5. In addition, the Bidders' data and information filed in response to the RFP will be disclosed if required by any federal, state or local agency (including, without limitation, the ICC) or by a court of competent jurisdiction. The IPA or the Procurement Administrator will notify the Bidder in advance of such disclosure and cooperate with such Bidder, to the extent deemed reasonable by the IPA, and at the expense of the Bidder, to prevent the disclosure of such materials. In any event, the IPA, their employees, and agents including the Procurement Administrator will not be responsible to the Bidders or any other party or liable for any disclosure of such designated materials before, during or subsequent to this RFP.

ARTICLE VII. Reserved Rights

- VII.1.1. The IPA will not be liable to any Bidder or any other party for failure to execute the supplier contract. Nothing herein may be construed to bind the IPA unless and until the ICC has approved winning Bids for this procurement event, and the IPA REC Agreement and Confirmation with a Bidder has been executed and is effective. Once effective, it is the IPA REC Agreement and not the RFP Rules or any documents relating thereto that will govern the relationship between and the responsibilities of the parties.
- VII.1.2. The Procurement Administrator reserves the right to reject Proposals submitted in response to this RFP that are incomplete, or do not conform with the requirements of this RFP, or are submitted beyond the deadline for submission, or are submitted by a Bidder that tries to unduly influence in any way the evaluation process.

DRAFT ONLY