

2023 Rhode Island Request for Proposal for Offshore Wind Energy

Per ACES Statute

Question and Answer Response #5

Contingent Bidding Question

1. **Bidder Question:** How can positive contingent bids differ from the “original bid,” per Section 2.2.2.6 of the RFP?
 - **Rhode Island Energy Response:** Regarding the requirement that positive contingent bids only differ from the original bid by providing a lower price when multiple power purchase agreements are awarded, per Section 2.2.2.6 of the RFP, Rhode Island Energy will accept positive contingent bids with different pricing than the original bid. Positive contingent bids must have the same physical aspects as the original bid, including but not limited to project size, production/delivery profile, and delivery location. Any differences in proposals must be described in Section 13 of Appendix A to the RFP, which include any non-material differences that do not impact the physical aspect of the proposal or the price.

Multi-State Questions

1. **Bidder Question:** Can Rhode Island Energy explain the following requirement from the Offshore Wind Multi-State Coordination Memorandum of Understanding By and Among the States of Connecticut and Rhode Island and the Commonwealth of Massachusetts (“MOU”):

“At least one multi-state proposal shall not be contingent upon selection of any other bid to any Party or their EDC, but other proposals can be contingent upon selection of a multi-state proposal, i.e., if a multi-state proposal is selected, the price of additional MWs for a proposal that is not the multi-state proposal decreases.”

In addition, if a hypothetical Project Red is bid as a single-state proposal into Rhode Island and as a multi-state proposal into all three MOU Parties or their respective EDCs, can a proposal for a separate hypothetical multi-state project, Project Blue, be positively contingent on the single-state Rhode Island proposal for Project Red?

- **Rhode Island Energy Response:** The meaning of the aforementioned MOU requirement is that at least one multi-state proposal shall not be contingent on any other proposals, and can be selected by two or more of the MOU Parties, or their respective EDCs. Please see also the prior response to Bidder Question 44.¹ Assuming a bidder submits a multi-state proposal that is not contingent on any other proposals, a bidder may also submit a single-state proposal that is contingent on a multi-state proposal. For example, if a bidder submits a multi-state proposal named Project Red, the bidder could also submit a single-state proposal named Project Blue that is contingent on Project Red being awarded. In this scenario, Project Red does not have any contingencies on other proposals, but Project Blue does, and this is

¹ Available at: <https://macleanenergy.files.wordpress.com/2023/11/bidder-questions-batch-3.pdf>

acceptable regarding this requirement. If a bidder would like to submit another multi-state proposal named Project Purple, this project could be contingent on another multi-state bid, since the bidder has provided Project Red, which is a multi-state proposal not contingent on the selection of any other bid.

To answer the hypothetical situation in the question, a multi-state proposal for Project Blue cannot be positively contingent on the single-state proposal for Project Red. Please see the prior response to Bidder Question 44.

- 2. Bidder Question:** If a bidder desires to submit a multi-state bid that is positively contingent on another proposal, how should the bidder meet Rhode Island Energy's requirement that any positively contingent bids "only differ from the original bid by providing a lower price when multiple power purchase agreements are awarded"?

For example, assume a bidder submits a multi-state proposal to all three MOU Parties, or their respective EDCs, for a total 1,200 MW project called "Project Blue" that is positively contingent on another multi-state proposal for all three MOU Parties, or their respective EDCs, for a separate facility called "Project Red." Can the bidder satisfy Rhode Island Energy's requirement of providing an "original bid" for Project Blue that is not contingent on Project Red by bidding all 1,200 MW of Project Blue as a single-state bid to Rhode Island Energy (not contingent on any other bids)?

Would CT DEEP provide the same answer regarding its own requirements for "standalone" bids?

- **Rhode Island Energy Response:** For Rhode Island Energy, if a bidder submits a multi-state proposal to all three MOU Parties, or their respective EDCs, for a 1,200 MW project called "Project Blue," which is positively contingent on another multi-state proposal for all three MOU Parties, or their respective EDCs, for a separate facility called "Project Red," the bidder must provide either a single-state proposal to Rhode Island Energy or a multi-state proposal to all three MOU Parties, or their respective EDCs, which only differ from the original bid regarding the price, as per Section 2.2.2.6 of the RFP.

For Connecticut, bidders are not required to, but may, provide a single-state bid. Bidders are only required to submit at least one multi-state bid and a unique CPPD form for each bid.

- 3. Bidder Question:** If a proposed project submitted as a multi-state bid has a physically identical concept to a single-state proposal, can the bidder reference single-state bid materials that satisfy all three MOU Parties', or their respective EDCs', requirements for bidding? Would a document attached to the multi-state proposal submission form that includes a cross-reference for critical information in the single-state submissions be accepted? Would it be acceptable to attach a separate document describing multi-state proposal economic benefits to the multi-state proposal form, with cross-references to all other information?

- **Rhode Island Energy Response:** If a proposed project submitted as a multi-state bid has a physically identical concept to a single-state bid, the bidder can reference single-state bid materials that satisfy all three MOU Party, or their respective EDC, requirements for bidding. Please see also response to Bidder Question 75,² which states: "If a Bidder wishes to submit a Multi-State Bid that is identical to a Single-State Bid, they may indicate this by completing

² Available at: <https://macleanenergy.files.wordpress.com/2023/11/bidder-questions-batch-3.pdf>

the Multi-State Proposal Form and can avoid submitting duplicate information.” The proposed examples of attachments to the Multi-State Proposal Form are acceptable.

For Rhode Island Energy, pursuant to Section 2.2.4.3 of the RFP, bidders may submit a proposal that was designed for the Massachusetts Request for Proposals for Long-Term Contracts for Offshore Wind Energy Projects, issuance date August 30th, 2023 (“MA OSW RFP”), or the Connecticut Request for Proposals for Offshore Wind Facilities (“CT OSW RFP”), provided that the bidder also completes Appendix A of the Rhode Island Energy RFP. The bidder may respond to the requirements of Appendix A to the Rhode Island Energy RFP by referencing the document, section number, and page number of their response to the MA OSW RFP or CT OSW RFP. If Appendix A of the Rhode Island Energy RFP requires a Rhode Island-specific response, the bidder must provide an original response that addresses such Rhode Island-specific requirements. Multi-State Bids should complete Appendix H of the RFP. It is acceptable to attach a separate document describing the multi-state proposal’s economic benefits to the multi-state proposal form, under Item # 6 and/or 7, if applicable.

4. Bidder Question: Apart from CPPDs, what other unique documentation is needed for multi-state proposals for them to be considered valid and binding?

- **Rhode Island Energy Response:** Per Appendix H of the RFP, “To submit a Multi-State Bid, Bidders must submit the bid information to all Parties, or their respective EDCs, to which the bid is being offered in the format that the respective Parties or their respective EDC is accepting bids in, and comply with all of the respective Party’s or EDC’s bid requirements, including any required bid fee(s). In addition, the Bidder must submit the information listed below under “Multi-State Proposal Required Information” as part of each RFP application.”

Bidders must submit a completed Multi-State Proposal Form³ for each multi-state bid. As described above, the bidder must meet all requirements of the RFP, with the only multi-state bid-specific documentation being the “Multi-State Proposal Required Information” section of Appendix H; however, the bidder must ensure that all other aspects of the proposal reflect the multi-state aspects of the bid, as applicable, including Appendix A, the CPPD Form (if different pricing is offered), and the Economic Development Summary Sheet.

5. Bidder Question: For economic benefits in multi-state proposals, will the distribution of economic activity/investment be subject to final award by the MOU Parties or their respective EDCs, given that the decision about how the MOU Parties or their respective EDCs would apportion a multi-state proposal will be determined after bids have been submitted?

- **Rhode Island Energy Response:** With the exception of Severable Commitments as described in the MOU and the Multi-State Proposal Form, multi-state proposals must describe any economic development commitments to respective states, or their respective EDCs, in their bid proposal and these commitments will be considered firm and not subject to allocation by the states, or their respective EDCs. Only Severable Commitments submitted as part of a

³ Available at: <https://macleanenergy.files.wordpress.com/2023/11/multi-state-bid-form-final-november-16-2023.pdf>

multi-state proposal pursuant to the MOU will be subject to final award by the states, or their respective EDCs.

6. Bidder Question: Are bidders required to share with all three MOU Parties, or their respective EDCs, all completed and unredacted CPPDs submitted in response to all three MOU Parties', or their respective EDCs', single-state RFP processes?

- **Rhode Island Energy Response:** Rhode Island Energy requires bidders who have submitted a proposal for an Eligible Facility to Rhode Island Energy, to provide all other proposals involving that Eligible Facility submitted to any other ongoing solicitation, which includes Massachusetts, Connecticut, or other solicitations. Rhode Island Energy will not require bidders to submit a proposal submitted as part of a different ongoing solicitation if that same Eligible Facility was not bid to Rhode Island Energy.

Per Section 2.2.2.6 of the RFP, "An Eligible Bidder that has submitted a proposal in response to any ongoing solicitation for offshore wind issued by another state for the same Eligible Facility must submit a copy of the complete, unredacted proposal submitted by the Eligible Bidder, or any affiliate of the Eligible Bidder, in response to such procurement as an attachment to any proposal submitted in response to this RFP."

Per the Section I.C. of the MOU, multi-state proposals, including the CPPD Form, will be shared with all Parties that are signatory to the MOU, or to the EDC that has issued an RFP, as applicable.

For Connecticut, in section 2.2.1., Connecticut requires "An Eligible Bidder that has also submitted a proposal in response to any ongoing solicitation for offshore wind in New England issued by an Other State must submit a copy of the complete, unredacted proposal submitted by the Eligible Bidder or any affiliate of the Eligible Bidder in response to such procurement as an attachment to any proposal submitted in response to this RFP."

Any Bidder submitting a multi-state bid must complete the Multi-State Proposal Form,⁴ which includes a section where the Bidder must list all single- and multi-state bids submitted pursuant to any of the ongoing solicitations in the three Participating States.

Note: Unless stated otherwise, RFP refers to the "Request for Proposals for Long-Term Contracts for Offshore Wind Energy," Issuance Date October 13, 2023 (as amended), by the Narragansett Electric Company d/b/a Rhode Island Energy.

⁴ Available at: <https://macleanenergy.files.wordpress.com/2023/11/multi-state-bid-form-final-november-16-2023.pdf>