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**Request for Proposals  
to Provide NEPOOL-GIS  
Certificates in Compliance  
with the Massachusetts  
Renewable Energy  
Portfolio Standards,  
Alternative Energy  
Portfolio Standards, and  
Clean Peak Energy  
Standards**

For the Period:  
Calendar Year 2021 Compliance  
**September 1, 2021**

**Eversource Energy**

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## REQUEST FOR PROPOSALS

### 1. Overview

The 1997 Massachusetts Electric Utility Restructuring Act directed the Massachusetts Division of Energy Resources (DOER) to establish a Renewable Energy Portfolio Standard (RPS) to achieve a more diverse, environmentally sound electricity supply over time and to assist the renewable industry on a path toward increasing sustainability.

In 2003 the DOER issued RPS regulations requiring all retail electricity providers (other than municipal utilities) selling electricity in the Commonwealth to utilize new renewable energy sources. In doing so, Massachusetts joined over a dozen other states that are taking an RPS approach to creating a distinct competitive wholesale market for electricity from renewable energy generators. The 1997 Massachusetts Electric Utility Restructuring Act was modified by the Green Communities Act of 2008 to include requirements for existing renewable resources and to encourage the development of alternative energy facilities. The Green Communities Act requires a Retail Electricity Supplier (“RES”) to source a minimum portion of its resources from certain renewable energy resources including classes of resources in addition to those required under the original RPS regulations (“Class I Resource, Class II Resource, Class II Waste to Energy Resource, APS Resource”). The Massachusetts Division of Energy Resources (“DOER”) regulations (225 CMR 14.00, 225 CMR 15.00, 225 CMR 16.00) implementing these requirements can be found at:

<http://www.state.ma.us/doer/rps/index.htm>

On August 11, 2017, the Massachusetts Department of Environmental Protection (“MassDEP”) promulgated final regulations at 310 C.M.R. 7.75 to establish a Clean Energy Standard (“CES”) for the Commonwealth of Massachusetts. The purpose of the regulation in conjunction with 310 C.M.R. 7.74 is to limit or reduce greenhouse gas (“GHG”) emissions in Massachusetts to satisfy the mandate of Section 3(d) of the Global Warming Solutions Act. The CES is designed to function in a manner similar and compatible with the existing RPS administered by the DOER. The regulations require all retail electricity suppliers to annually procure clean energy certificates (CEC) (referred to as “clean generation attributes” in the regulation) for a percentage of electricity sales. CECs are produced by any resource that meets the CES eligibility requirements which includes all RPS Class I resources and non-RPS Class I resources that are approved by MassDEP. CES obligations can be satisfied with RPS Class I RECs or from certificates associated with units approved by MassDEP.

In August 2020, the DOER promulgated 225 CMR 21.00 pursuant to M.G.L. c. 25A, § 17(c). The purpose of 225 CMR 21.00 is to establish a Clean Peak Energy Portfolio Standard (CPS) to increase clean energy during the periods when Net Demand of electricity is the highest. Clean Peak Resources contribute to the Commonwealth’s environmental protection goals concerning air emissions including, but not limited to, those required by the *Global Warming Solutions Act*, M.G.L. c. 21N, §§ 1-9, by displacing non-renewable generating resources during Seasonal Peak Periods, while also

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having added benefits of reducing peak demand and system losses and increasing grid reliability. Clean Peak Resources that participate in the CPS program pursuant to 225 CMR 21.00 do so on a voluntary basis but must comply with the terms and requirements of 225 CMR 21.00. The purpose of 225 CMR 21.00 is to establish a Clean Peak Energy Portfolio Standard to increase clean energy during the periods when Net Demand of electricity is the highest. Additional information on the CPS program can be found at <https://www.mass.gov/info-details/clean-peak-energy-standard-notice-and-updates>.

Each retail electricity supplier is required to demonstrate that a minimum percentage of its resources are provided from these renewable energy resources:

YEAR	MA RPS Class I Resource Requirement	MA RPS Class I Solar I Resource Requirement	MA RPS Class I Solar II Resource Requirement	MA RPS Class II Resource Requirement	MA RPS Class II Waste to Energy Resource Requirement
2021	12.4087%	1.6629%	3.9284%	3.5634%	3.70%

YEAR	MA APS Resource Requirement	MA CPS Resource Requirement	MA CES Incremental Requirement	MA CES-Existing Requirement
2021	5.25%	3.00%	4.0%	20.0%

A retail electricity supplier may satisfy these requirements by providing attribute certificates from the NEPOOL Generation Information System (“NEPOOL-GIS Certificate” or “REC”), or make an Alternative Compliance Payment (“ACP”) to the Massachusetts Renewable Energy Trust Fund (RET) that is administered by the Massachusetts Clean Energy Center (Mass CEC).

Eligible renewable resources under the MA RPS Class I Resource Requirements include: certain eligible biomass resources, fuel cells using renewable fuel, landfill or digester gas, ocean thermal, wave and tidal, solar PV or thermal electric, wind, marine & hydro-kinetic, geothermal and hydroelectric. To qualify as a “new” renewable resource, systems must have been installed after December 31, 1997 and must be located anywhere in the ISO-NE control area or an adjacent control area if certain additional requirements are met. Hydroelectric generation is limited to a unit with a capacity no more than 25 MW or new incremental capacity up to that limit at a pre-1998 facility.

Eligible renewable resources under the MA RPS Class I Solar Carve-Out must have a commercial operation date of January 1, 2008 or later. Eligible renewable resources under the MA RPS Class I Solar Carve-Out II must have a commercial operation date of January 1, 2013 or later. Projects must be 6 MW or smaller and must be on-site of an

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electric load, and be located in the Commonwealth of Massachusetts.

Eligible renewable resources under the MA RPS Class II Resource Requirements are similar to Class I RPS resources, but to qualify as a MA RPS Class II Resource systems must have been installed on or before December 31, 1997. Hydroelectric generation is limited to a facility that has a capacity no higher than 5 MW. The MA RPS Class II Waste to Energy Resource Requirement is met from conventional municipal waste combustion technology.

Eligible renewable resources under the MA Alternative Energy Portfolio Standard include: coal gasification, combined heat and power, flywheel energy storage and energy efficient steam technology.

Further information regarding resource eligibility is available at the MA DOER web site noted above.

NSTAR Electric Company d/b/a Eversource Energy (“Eversource”) is seeking proposals for the supply of RPS SRECs<sup>1</sup>, Class II, Class II Waste Energy, APS, and Clean Peak Energy Certificates (CPEC) from qualifying generating facilities for the following periods:

- Calendar year 2021 Compliance Period

Eversource will evaluate proposals based on the bids received and the best interests of its retail customers in Massachusetts. Eversource reserves the right to determine the quantity, if any, of RECs purchased through this RFP. Nothing contained in this RFP, or in any proposal that may be submitted in response to this RFP, shall create any obligation on the part of Eversource to purchase any RECs, and no such obligation shall exist unless and until a definitive agreement is signed by Eversource and the Respondent.

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<sup>1</sup> Includes re-minted solar credit clearinghouse auction certificates eligible for use towards RPS compliance in the applicable compliance period

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## 2. Quantity of Certificates Sought and Description of Proposals

### 2.1. Quantity of Certificates

Eversource may purchase up to the following quantity of NEPOOL-GIS Certificates to meet its RPS, APS, and CPS obligations in Massachusetts:

YEAR	MA RPS Resource Requirement (Class I)	MA RPS Resource Requirement (Class I Solar I)	MA RPS Resource Requirement (Class I Solar II)	MA RPS Resource Requirement (Class II)	MA RPS Resource Requirement (Class II Waste to Energy)	MA APS Resource Requirement (AEC)	MA CPS Resource Requirement (CPEC)
2021	0	11,000	42,000	38,000	41,000	53,000	35,000

### 2.2. Minimum Offer Quantity

Eversource will only consider proposals for 500 certificates or more offered at any single price (i.e. each price-quantity pairing must be for no fewer than 500 certificates). The minimum offer quantity requirement does not apply to proposals to supply RPS Class I Solar Carve-Out II certificates.

### 2.3. Description of Proposals

Eversource will consider the following types of proposals for the RECs/AECs/CPECs that meet the Massachusetts RPS, APS, and CPS requirements:

- RECs/AEC/CPEC generated and issued by the NEPOOL-GIS for compliance year 2021 and delivered on or before the 10<sup>th</sup> business day prior to the close of the applicable NEPOOL-GIS Trading Period.

### 2.4. Proposal Documents and Information

To assist Participating Purchasers and Respondents in responding to this RFP, Eversource is providing the RFP, the Bid Form, and form of Master Certificate Purchase Agreement on its Wholesale Energy Supplier Web page. Please use the following link to access the site:

<https://www.eversource.com/content/ema-c/about/about-us/doing-business-with-us/energy-supplier-information/renewable-energy-credits>

This site is open to anyone with the above link. No user ID or password is required to access the data on the site.

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### 3. General Provisions

#### 3.1 Terms and Conditions

Eversource will only review responses from supplier(s) that have in place a Master Certificate Purchase Agreement with Eversource for the purchase of NEPOOL-GIS Certificates. Winning supplier(s) will be required to promptly execute a Confirmation of the purchase and sale transaction after being notified that its proposal has been selected.

Winning supplier(s) will be required to specify the fixed or maximum number of NEPOOL-GIS Certificates to be delivered during each NEPOOL-GIS Trading Period. Eversource may require a winning supplier to provide financial security in form and amount acceptable to Eversource to secure that supplier's obligations, and any such requirement will be incorporated in the signed Transaction Confirmation.

For any Unit Contingent transaction, the supplier shall be required to submit to Eversource a copy of the screen shot from the NEPOOL GIS System documenting the production of the Unit during the applicable Trading Period, and sufficient detail for Eversource to verify the formulation and computation of charges.

#### 3.2 Proposal Process and Submission Dates

The following table outlines the key dates associated with this procurement process.

Process Step	Date
Issue Request for Proposal	September 1, 2021
Submit Participating Purchaser Information, Respondent Proposal Information and Pricing	<b>No later than 10:00 AM (EPT) on September 9, 2021</b>
Eversource reviews Bids consistent with established criteria and informs selected Respondents.	No later than 5:00 PM (EPT) on September 13, 2021
Transaction Confirmation Documents Executed	No later than 5:00 PM (EPT) on September 20, 2021

#### 3.3 Submission Information

Copies of all information pertaining to this RFP should be directed to:

Tracey Lengyel-Krechko  
Senior Analyst  
Eversource  
107 Selden Street  
Berlin, CT 06037  
(860) 665-4772  
(860) 665-4588 (fax)  
e-mail: [Tracey.Lengyel-Krechko@eversource.com](mailto:Tracey.Lengyel-Krechko@eversource.com)

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### 3.4 Respondent Bid Submittal

Respondents shall provide background information, qualifications, proposed pricing and any proposed contract modifications with their bid response, as specified in the bid form. Upon receipt, Eversource will evaluate each Respondent's submittal. One copy of a Respondent's proposal information and pricing must be received at the above email addresses by **10:00 a.m. EPT on 9/9/21**.

Respondent proposal information must be submitted e-mail. Eversource is not responsible or liable for submittals that are not received by the specified date and time. Submittals that are not timely received shall be rejected.

Respondents should be prepared to provide additional information and documentation regarding their qualifications and proposal on Eversource's request, including verification of the source of their offered supply. Eversource will review the bids received and determine the number of NEPOOL-GIS Certificates it will purchase, if any, and will notify those Respondents from which they will make such purchases.

Eversource shall have the exclusive right to select or reject any or all of the proposals submitted at any time, for any reason. Eversource may also disregard any bid submission not in accordance with the requirements contained in this RFP. Further, Eversource expressly reserves the right, in its sole and absolute discretion, to seek clarifications of any submissions, to negotiate to seek modifications to any submissions, to unilaterally change the schedule described herein or modify any of the rules and procedures set forth herein or subsequently issued, to terminate the process described herein, and to invite any (or none) of the Respondents to participate further in the process, all without prior notice.

A Respondent's preparation for this process, submission of information or offers in response to this RFP, or participation in this process shall not operate to vest any rights in that Respondent or create any duty or obligation of Eversource.

All submissions shall constitute an offer to sell RECs to Eversource and such offer shall be required to be held open until the earlier of 5:00 p.m. EPT on 9/13/21, or the date and time at which such offer is either accepted or rejected by Eversource. Pricing or other terms contained in such offer may not be changed or withdrawn during this period.

If any information or certification provided by the Respondent changes or fails to remain valid or accurate, it is the sole responsibility of the Respondent to notify Eversource of such change. Failing to do so may result in disqualification of the Respondent and its proposal for the solicitation.

### 3.5 Contact Persons/Questions

All questions regarding this Request for Proposal should be directed to Tracey Lengyel-Krechko at the address provided above.

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### 3.6 Right to Select Supplier

Eversource shall have the exclusive right to select or reject any or all of the proposals submitted at any time, for any reason.

## 4. Proposal Requirements

### 4.1 Format of Proposal

The information required by Eversource to be submitted with each proposal is specified in Bid Form. Respondents shall complete the forms provided in the Bid Form in a legible fashion and return them to Tracey Lengyel-Krechko as provided in Sections 3.3 - 3.4, above. In addition, proposals should include explanatory, descriptive and supporting materials as necessary.

### 4.2 Proposed Pricing

Respondents must specify the price at which they will sell RECs/AECs/CPECs to Eversource. Eversource intends to only purchase RECs/AECs/CPECs from qualifying RPS, APS, or CPS generators, and shall not purchase energy or other market products under this solicitation. Also, forward certificates will not be considered for purchase.

The successful supplier shall be paid only for the agreed number of valid RECs/AECs/CPECs actually delivered to Eversource's account in the NEPOOL-GIS system, as specified in the signed definitive agreement and Transaction Confirmation. Proposed pricing should be structured in such manner.

### 4.3 Regulatory Approvals

The Respondent shall detail all necessary regulatory approvals required and obtained that demonstrate the ability to supply Massachusetts RPS, APS, or CPS compliant NEPOOL-GIS Certificates to Eversource.

## 5. Selection Process

The criteria to be used in evaluating proposals and determining the lowest evaluated REC/AEC/CPEC bid price includes, but is not limited to:

- Lowest evaluated REC/AEC/CPEC bid price;
  - Quantity of RECs/AECs/CPECs offered;
  - Ability of supplier to meet its obligation to deliver RECs/AECs/CPECs;
  - Commitment to supply pursuant to the terms of the Master Certificate Purchase Agreement in place between the parties;
  - Firmness of delivery;
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- The supplier's past experience in providing similar services and products to Eversource;
  - The supplier's past experience in providing similar services and products to other parties;
  - The supplier's demonstrated understanding of its obligations under the Master Certificate Purchase Agreement;
  - Any facts or circumstances that may adversely affect the supplier's ability to provide RECs/AECs/CPECs;
  - The information provided by Supplier in the Bid Form; and
  - Location of the renewable resource(s) and a demonstration of how the renewable resource satisfies the goals of stabilizing long-term energy prices, enhancing environmental quality, and creating renewable energy sector jobs in Massachusetts.

## **6. Confidentiality**

Eversource shall use commercially reasonable efforts to treat the non-public information it receives from Respondents in a confidential manner. However, Suppliers should understand that confidential information may be disclosed in a judicial, regulatory, administrative or other jurisdictional filing or proceeding, and Eversource shall use commercially reasonable efforts to limit disclosure and use of said confidential information through the use of non-disclosure agreements or orders seeking protective treatment. Notwithstanding the foregoing, Eversource shall not be responsible in the event that the request for confidential treatment is denied. The Respondent shall be required to use commercially reasonable efforts to treat all information received from Eversource in a confidential manner and will not, except as required by law or in a regulatory proceeding, disclose such information to any third party, and shall in all such cases use commercially reasonable efforts to limit the disclosure of Eversource's confidential information.

## **7. Respondent Certifications and Indemnification**

Each proposal shall include all information specified in the Bid Form, and shall be certified by an authorized officer or other authorized representative of the Respondent.

An authorized officer or other authorized representative of the Supplier certifies by its submission of its bid that:

- The Supplier has reviewed the RFP and all attachments and has investigated and informed itself with respect to all matters pertinent to the RFP and its proposal;
  - The Supplier's proposal is submitted in compliance with all applicable federal, state and local laws and regulations, including antitrust and anti-corruption laws;
  - The Supplier is bidding independently and that it has no knowledge of the substance of any proposal being submitted by another party in response to this RFP;
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- To the extent that the following conduct is prohibited by applicable law, the Supplier has not disclosed and will not disclose prior to any award hereunder, any information relating to its proposal which could have an effect on whether another party submits a proposal to this RFP, or on the contents of such proposal that another Supplier would be willing to submit in response to this RFP, which may include, as an example, the fact that the Supplier is submitting a proposal in response to this RFP, the Supplier's proposal[s], the Supplier's quantities of each product bid, the Supplier's estimation of the value of a product, the Supplier's estimation of the risks associated with supplying a product, and the Supplier's preference for bidding on one or several products; and
  - The Supplier has bound any agents, consultants or other third parties retained or otherwise used in connection with the preparation and submission of its proposal to observe these same restrictions and requirements concerning its proposal and maintain the confidentiality of information concerning its proposal.

Violation of any of the above requirements may be reported to the appropriate government authorities.

Respondents shall, at their own cost and expense, defend, indemnify and hold harmless Eversource, its parent, subsidiaries and affiliates and their respective officers, directors, trustees, employees, shareholders, executors, administrators, successors and assigns against any and all manner of past, present, or future claims, demands, disputes, controversies, complaints, suits, actions proceeding or allegations of any kind which in any manner relate to arise out of, or result from any false or inaccurate certifications, statements, or misrepresentations, intentional or unintentional, or the breach of any obligation of the Respondent associated with this RFP or any proposal submitted by or on behalf of Respondent.

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