

## Illinois Adjustable Block Program Approved Vendor Application and Standards

*This document lists the information to be collected from prospective Approved Vendors and the evaluation criteria for Approved Vendors. Items in blue type will not be required for distributed generation Single Project Approved Vendors, and the items in green type will only be required for Approved Vendors who wish to act as an Approved Vendor for one or more Community Solar projects.*

### List of information collected in Approved Vendor Application

#### Vendor Contact Information

1. Legal Business Entity Name
2. Any Doing Business As (“DBA”) name
3. Address of principal place of business
4. Name, phone number, and email address of primary point of contact responsible for the company’s day-to-day interaction with the Adjustable Block Program
5. Telephone number of company

#### Company Background

6. Ownership structure, including any affiliated businesses either owned or partially owned by the proposed Approved Vendor or who have ownership of all or part of the Approved Vendor
7. Employer Identification Number (“EIN”)
8. Business Type (Corporation, LLC, LP, LLP, General Partnership, Nonprofit, Sole Proprietor, Other)
9. A listing of shareholders, owners, partners or proprietors with ownership interests in excess of 5% and the amount of their respective ownership interests (Not required for public companies)
10. Business entity home state of registration
11. Other states where entity is registered to do business
12. Business entity date of organization/incorporation in home state
13. Must exist as a legal entity and be authorized to do business in Illinois. Must upload an Illinois Secretary of State statement of good standing dated within the past 12 months if a corporation, LLC, or non-profit. Example in Figure 1.
14. Is the company engaged in installing distributed generation projects in Illinois? If yes, provide proof of Distributed Generation Installer Certification from the Illinois Commerce Commission,

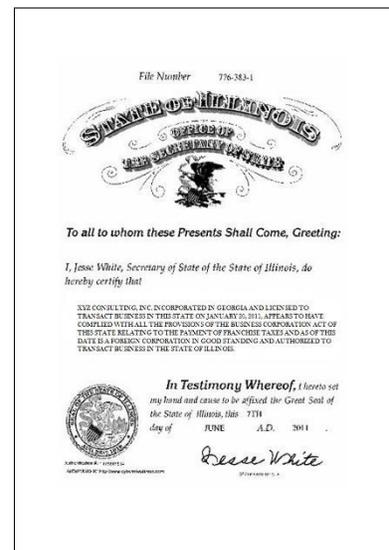


Figure 1- Secretary of State Good Standing

in the form of the Commission's order in the certification docket granting the company's certificate.

15. Provide a printout of either PJM-GATS or M-RETS aggregator account ownership confirmation.
16. Company website (Parent company website if special purpose entity)

### **Vendor Classification and Project Types**

17. Is this an application for a Single Project Approved Vendor?
18. Is this Approved Vendor an affiliate (as defined in Section 7.3.1 of the Long-Term Renewable Resources Procurement Plan) of any other Approved Vendor or current or intended Approved Vendor applicant? If yes, provide the name(s) of affiliated Approved Vendor or applicant.
19. Are you a minority-owned or female-owned business enterprise as specified in Section 1-75(c)(7) of the Act or a small business as defined in the Small Business Advisory Act (20 ILCS 692/5) who would like to be eligible for an initial batch size of 50 kW? [If so, an upload will be provided to provide documentation of that status.]

### **Legal and Regulatory Information**

A yes answer to any Legal and Regulatory questions will not automatically disqualify a firm from Approved Vendor status. Information provided will be considered in conjunction with all other information in the application to determine an Approved Vendor's eligibility.

20. Within the past five (5) years, has the business; any affiliate of the business that is engaged in operations in the U.S. related to energy; or any current or former owner (not including public shareholders), partner, director, officer, principal, or any person in a position involved in the administration of funds, or currently or formerly having the authority to sign, execute or approve contracts for the business:
  - a. Been sanctioned or proposed for sanction relative to any business or professional permit or license?
  - b. Been under suspension, debarment, voluntary exclusion or determined ineligible under any federal or state statutes?
  - c. Been proposed for suspension or debarment?
  - d. Been the subject of an investigation, whether open or closed, by any government entity for a civil or criminal violation for any business-related conduct?
  - e. Been charged with a misdemeanor or felony, indicted, granted immunity, convicted of a crime, or subject to a judgment or a plea bargain for:
    - i. *Misappropriation of funds or property;*
    - ii. *A criminal act that reflects adversely on the individual's honesty;*
    - iii. *Actual loss to the company or other person; or*
    - iv. *Dishonesty, fraud, deceit, or misrepresentation.*

Note: The above does not include minor misdemeanors like speeding or parking tickets and does not include actions taken by former employees after leaving the employ of your company.

- f. Been suspended, cancelled, terminated or found non-responsible on any contract, or had a surety called upon to complete an awarded contract?

For any Yes answers, provide an explanation of the issue(s), relevant dates, the entity involved, any remedial or corrective action(s) taken, and the current status of the issue(s).

21. Within the past five (5) years, has the proposed Approved Vendor or any of its affiliates that are or were engaged in operations in the U.S. related to energy had any judgments filed against it which remain undischarged? If Yes, provide an explanation of the issue(s), relevant dates, the Claimant's name, the amount of the judgment, and the current status of the issue(s).
22. Within the last seven (7) years, has the proposed Approved Vendor or any of its affiliates initiated or been the subject of any bankruptcy proceedings, whether or not closed, or is any bankruptcy proceeding pending? If so, provide the Bankruptcy Code chapter number, the court name, and the docket number. Indicate the current status of the proceedings as "initiated," "pending," or "closed".
23. Within the last seven (7) years, has any owner with greater than 15% ownership or principal of the proposed Approved Vendor or any of its affiliates been the owner or a principal (with greater than 15% ownership) in a company subject to any bankruptcy proceedings, whether or not closed, or that is currently in any bankruptcy proceeding pending? If so, provide the Bankruptcy Code chapter number, the court name, and the docket number. Indicate the current status of the proceedings as "initiated," "pending," or "closed".
24. During the past five (5) years, has the proposed Approved Vendor or any of its affiliates failed to file a tax return or fully pay taxes according to deadlines required by federal, state, or local laws in the amount of \$10,000 or more? If yes, provide the taxing jurisdiction, the type of tax, the liability year(s), the tax liability amount the proposed Approved Vendor failed to file/pay, and the current status of the tax liability.
25. During the past five (5) years, has the proposed Approved Vendor or any of its affiliates that are or were engaged in operations in the U.S. related to energy been audited by any government entity resulting in a negative audit finding or requirement for remedial action? If yes, provide an explanation of the issue(s) under investigation, relevant dates, the government entity involved, any remedial or corrective action(s) taken, and the current status of the issue(s).
26. During the past five (5) years, has the proposed Approved Vendor or any of its affiliates that are or were engaged in operations in the U.S. related to energy been the subject of any judgment or settlement as the result of by any public consumer protection authority (including but not limited to a federal/state/local attorney general's office, consumer protection bureau, or other consumer protection entity) in any jurisdiction? If yes, provide any remedial or corrective actions(s) taken and current status of the issue(s).
27. During the past five (5) years, has the proposed Approved Vendor or any of its affiliates that are engaged in operations in the U.S. related to energy been the subject of any unresolved Better

Business Bureau complaints in any jurisdiction? If yes, provide any remedial or corrective actions(s) taken and current status of the issue(s).

28. During the past five (5) years, has the proposed Approved Vendor or any of its affiliates that are or were engaged in operations in the U.S. related to energy been the subject of any judgment or settlement as the result of lawsuits filed in a court of law or formal complaints filed with a regulatory agency alleging fraud, deception or unfair marketing practices, or other similar allegations? If yes, please identify the name, case number, and jurisdiction of each such lawsuit or complaint, any remedial or corrective action(s) taken, and the current status of the lawsuit or complaint.
29. During the past five (5) years, has the proposed Approved Vendor or its affiliates that are or were engaged in operations in the U.S. related to energy been suspended from participation or denied the ability to participate in a government or utility administered renewable energy incentive program? If yes, provide the name of the program and jurisdiction, an explanation of the issue(s), and the current status of the issue(s).

### **Additional Questions Not Used for Qualification**

30. The utility service territory or territories in which the Approved Vendor seeks to operate (ComEd, Ameren Illinois, MidAmerican, municipal utility/rural electric co-operatives).
31. Type of Approved Vendor (may select more than one): DG Installer, Community Solar Project Developer, SREC broker/aggregator, non-profit, other
32. Do you intend to participate in the Illinois Solar for All program?
33. Do you consent to be contacted by representatives from solar job training programs in Illinois?
34. Do you have corporate hiring policies in place which prohibit the hiring of individuals who have been convicted of a crime?

### **Attestation – Approved Vendor will e-sign the following attestation**

I declare that:

- a. I am the owner (for sole proprietorship), partner (for partnership) or the authorized agent (for corporation, LLC, or non-profit) of the proposed Approved Vendor;
- b. The information provided on this form is true and correct to the best of my knowledge;
- c. I agree to participate in registration and any initial or recurrent required training.
- d. I agree to abide by the ongoing Program terms and conditions.
- e. I agree to maintain registration to do business in Illinois.
- f. I agree to provide updated information to the Administrator on any complaints, lawsuits, legal or regulatory action, bankruptcy, or any other material adverse changes in business condition when it becomes available.

g. I agree to provide samples of marketing materials or content used by our company, or our subcontractors/installers and affiliates, to the Program Administrator for review upon initial qualification as an Approved Vendor. In addition, I will provide copies of any marketing material related to the sale, financing, or installation of solar photovoltaic systems that will apply to participate in the Adjustable Block Program, or related to the Adjustable Block Program itself, whenever requested by the IPA or Program Administrator. I furthermore agree to make changes to marketing materials requested by the IPA or Program Administrator in their efforts to ensure that such materials are not deceptive, confusing, or misleading, and to further ensure that such materials do not feature misrepresentations about our relationship to the Illinois Power Agency or the Adjustable Block Program.

h. I agree to comply with all consumer protection guidelines published by the Program Administrator and acknowledge that a failure to do so may jeopardize my ability to serve as an Approved Vendor in the program.

i. I agree to provide and maintain credit and collateral requirements pursuant to Section 6.16.1 of the Long-Term Renewable Resources Procurement Plan.

j. I agree to complete annual reports by the report deadline, disclosing names and other information on installers and projects, and documenting that all installers and other subcontractors comply with applicable local, state, and federal laws and regulations including ICC registration as Distributed Generation Installers, providing current status of unfinished projects and credits generated and delivered by completed projects, and any other annual report requirements as determined by the Administrator.

k. I agree to comply with all community solar subscriber reporting requirements including providing updated and accurate subscriber data.

l. As required by Section 1-75(c)(1)(7) of the Illinois Power Agency Act (20 ILCS 3855), I agree that any photovoltaic projects submitted for program approval were or will be installed by a qualified person in compliance with Section 16-128A of the Public Utilities Act (220 ILCS 5) and any rules or regulations adopted thereunder, including Title 83, Section 468.20 of the Illinois Administrative Code.

m. I agree to provide company financial statements and/or project references upon request of the Program Administrator.

n. I will comply with all other Program rules and Administrator requests.

o. If any requirements are implemented by the Illinois Power Agency or Program Administrator that I am unable to comply with, I agree to immediately request to withdraw my qualification to act as an Approved Vendor for any projects not already under contract with the utilities and cease all new Approved Vendor activities.

I attest that the statements above are true and correct.

Type Name

(automatically stamped with username, time and IP address)

## Evaluation Criteria

1. Must demonstrate existence as a legal entity and authorization to do business in Illinois.
2. Neither the business or its affiliates that are or were engaged in operations in the U.S. related to energy, the business's principals or owners (except public shareholders), nor any business in which the current business's owners or principals were or are associated with can have:
  - a. Been sanctioned or proposed for sanction relative to any business or professional permit or license.
  - b. Been under suspension, debarment, voluntary exclusion or determined ineligible under any federal or state statutes.
  - c. Been proposed for suspension or debarment.
  - d. Been the subject of an investigation, whether open or closed, by any government entity for a civil or criminal violation for any business-related conduct.
  - e. Been charged with a misdemeanor or felony, indicted, granted immunity, convicted of a crime, or subject to a judgment or a plea bargain for:
    - i. Any business-related activity; or
    - ii. Any crime the underlying conduct of which was related to truthfulness.
  - f. Been suspended, cancelled, terminated or found non-responsible on any contract, or had a surety called upon to complete an awarded contract.

Unless an explanation acceptable to the Administrator and IPA is provided.

3. Must not have had any judgments filed against it in the past 5 years which remain undischarged, unless an explanation acceptable to the Administrator and IPA is provided.
4. If the company or any of its affiliates or any principal or owner with greater than 15% ownership has initiated or been the subject of any bankruptcy proceedings (including for a different company where the same individual person had at least 15% ownership), whether or not closed, or has any bankruptcy proceeding pending, the Administrator and IPA will determine if the potential Approved Vendor is a risk for default on future Approved Vendor contracts. This decision will be based on the totality of the information provided including current financial statements, the circumstances of past bankruptcies, the time since the last bankruptcy, the role of the individual involved in the past bankruptcy, recent tax payment history, and any recent or pending judgements or investigations that might impact the company's financial standing.
5. The company must be current on all required taxes, based on local, state, and federal law. Past non-payment of taxes over \$10,000 will be considered in conjunction with other factors in determining an Approved Vendor's eligibility.
6. Any issues found during any governmental audits during the past 5 years will be considered in conjunction with other factors in determining an Approved Vendor's eligibility. The mere fact that an audit was conducted with no negative results will not reflect negatively on the Approved Vendor's application.
7. Any regulatory or consumer complaints and their remedial actions will be screened by the Approved Vendor and IPA to determine if there is a pattern of violations or unresolved

consumer protection issues with the company. The frequency and severity of the past issues, as well as the Approved Vendor's explanations of resolution and any processes put in place to prevent reoccurrence will be taken into account.

8. Approved Vendors will be provided the option to request confidential treatment of specific sections of their application based on exemptions listed in 5 ILCS 140 (Illinois Freedom of Information Act). Such requests may be submitted by email or mail on company letterhead and must list the exemption claimed and the reasoning behind the claim.
9. The company must demonstrate either PJM-GATS or M-RETS aggregator account ownership.
10. Additional information collected such as number of employees, type of company, management structure, etc. will be used by the Administrator to more thoroughly evaluate the applicant if there are any questions that arise from other parts of the Approved Vendor application.
11. The company must provide an initial representative sample of marketing materials for each channel of marketing the company is engaged in, as part of the initial Approved Vendor application (for example, but not meant to be an exhaustive list: print, website, direct mail, direct email, web ads, social media, radio, telemarketing, billboards). Random audits of marketing material will be conducted regularly, and the IPA and Program Administrator also reserve the right to require a copy of all marketing materials should they have concerns about an Approved Vendor's marketing practices.
12. The IPA and the Program Administrator reserve the right to conditionally approve applications from prospective Approved Vendors that have areas of concern. A conditional approval will require six month updates rather than the normal 1 year updates of the approved vendor application.

### **Appeal Procedure**

The Administrator will review and make approval decisions for all Approved Vendor applications. It is the responsibility of the Approved Vendor to respond to any questions or requests for additional information from the Administrator within 2 weeks of receiving such a request. Failure to respond to requests from the Administrator will constitute grounds for rejection as an Approved Vendor. Any Approved Vendor applications that are rejected will be provided a written explanation with the reasons for the rejection. The applicant will have 2 weeks to appeal the rejection in writing on company letterhead conveyed by email or postal mail. The IPA will review all appeals and will be the final authority for granting or rejecting an appeal.