

# Illinois Adjustable Block Program Approved Vendor Application and Standards

Draft for Stakeholder Comments

Released October 3, 2018

Comments Due October 19th, 2018

*The following draft lists the information collected from prospective Approved Vendors and the evaluation criteria for Approved Vendors. Items in blue type will not be required for single project Approved Vendors, and item 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. Primary point of contact name, phone number, and email address
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
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 IL. Must upload an IL Secretary of State statement of good standing dated within the past 12 months if a corporation, LLC, or non-profit. Example in Figure 1.

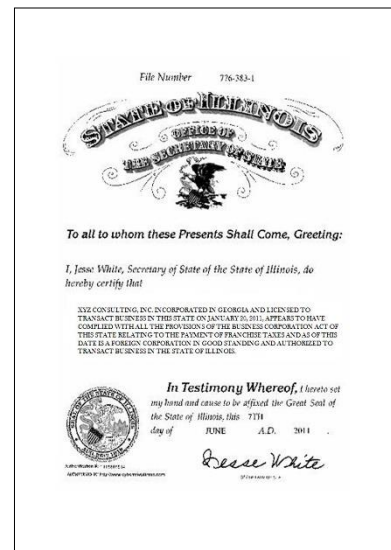


Figure 1- Secretary of State Good Standing

14. Provide company balance sheet and profit and loss statement for the last full fiscal year.
15. List three current or prior customers who can act as references.
16. Is the company engaged in installing distributed generation projects in Illinois? If yes, provide Distributed Generation Installer Certification from the Illinois Corporation Commission.
17. Provide a printout of PJM-GATS or M-RETS aggregator account ownership confirmation.
18. Company website

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

19. Type of Approved Vendor (may select more than one): DG Installer, Community Solar Project Developer, SREC broker/aggregator, non-profit, other
20. Is this an application for a Single Project Approved Vendor?
21. 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.
22. The utility service territory or territories in which the Approved Vendor seeks to operate (ComEd, Ameren Illinois, MidAmerican, municipal utility/rural electric co-operatives).
23. Are you a minority-owned and female-owned business enterprises 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 a copy of BEP certification.

### **Legal and Regulatory Information**

24. Within the past five (5) years, has the business, any affiliates of the business, or any current or former owner, 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. 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?

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).

25. Within the past five (5) years, has the proposed Approved Vendor or any of its affiliates had any liens or judgments (not including UCC filings) filed against it which remain undischarged? If Yes, provide an explanation of the issue(s), relevant dates, the Lien Holder or Claimant's name, the amount of the lien(s), and the current status of the issue(s).
26. 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".
27. 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".
28. 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? 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.
29. During the past five (5) years, has the proposed Approved Vendor or any of its affiliates been audited by any government entity? 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).
30. During the past five (5) years, has the proposed Approved Vendor or any of its affiliates been the subject of any complaints to 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).
31. During the past five (5) years, has the proposed Approved Vendor or any of its affiliates been the subject of any Better Business Bureau complaints in any jurisdiction? If yes, provide any remedial or corrective actions(s) taken and current status of the issue(s).
32. During the past five (5) years, has the proposed Approved Vendor or any of its affiliates been the subject of any 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.
33. During the past five (5) years, has the proposed Approved Vendor or it's affiliates been suspended from participation or denied the ability to participate in a government-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**

- 34. Do you intend to participate in the Solar for All program?
- 35. Do you consent to contact by solar job training programs in Illinois?
- 36. Do you have corporate hiring policies in place which do not allow for 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 adverse changes in business condition when it becomes available.
- g. I agree to provide samples of any marketing materials or content used by our company or our subcontractors/installers and affiliates, to the Program Administrator for review and approval prior to their use. I furthermore agree to make any changes to marketing materials as instructed by the Administrator.
- h. I agree to comply with all consumer protection guidelines published by the Program Administrator.
- 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 will 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.

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

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 IL.
2. Neither the business or its affiliates, the business's principals or owners, 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 liens or judgments (not including UCC filings) 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 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. The company's balance sheet and profit and loss statement will be protected proprietary information that will only be viewed by IPA and Administrator staff and will not be disclosed or subject to Freedom of Information Act disclosure. The Administrator and IPA will use the financial statements as part of a risk based assessment of the potential Approved Vendor's ability to act as counterparty for the 15 year contracts it will be signing. Absent any other negative information, an Approved Vendor will not be accepted or rejected based solely on its financial statements.
9. The company must demonstrate PJM-GATS or M-RETS aggregator account ownership.
10. Additional information collected such as references, 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. IPA and the Program Administrator reserve the right to conditionally approve applications from prospective Approved Vendors that have areas of concern. A conditionally 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.

### **Stakeholder Process**

The Illinois Power Agency and the Adjustable Block Program Administrator will hold a stakeholder meeting on October 10, 2018. This stakeholder meeting will cover Approved Vendor registration requirements, draft distributed generation marketing guidelines, and draft distributed generation consumer protection disclosure forms. (Draft guidelines and forms for community solar will be released for review at a later date.)

The meeting will be held at 1:00 PM CDT in Chicago at the following location:

James R. Thompson Center  
Assembly Hall, Lower Level  
100 West Randolph St.  
Chicago, IL 60601

The meeting will also be accessible via webinar at the following link: <https://zoom.us/j/939241341>. You can call into the webinar by phone at +1 669 900 6833 or +1 646 558 8665, Meeting ID: 939 241 341.

The Program Administrator will accept comments on Approved Vendor registration requirements by email at [comments@illinoisabp.com](mailto:comments@illinoisabp.com) until October 19th, 2018 at 5:00 PM CDT.