



Consolidated Edison Company of New York, Inc.

Request for Proposal

Non-Wires Solutions to Provide Demand Side Management for Subtransmission and Distribution System Load Relief

West 42nd Street Load Transfer Project

ISSUED: DECEMBER 18, 2017

SUBMISSION DEADLINE: MARCH 16, 2018

LAST UPDATED: FEBRUARY 1, 2018

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Introduction

Consolidated Edison Company of New York, Inc. (the “Company” or “Con Edison”) is extending a request for proposal (“RFP”) for the submission of proposals from qualified and experienced vendors (“Respondents”) with the capability to deliver innovative Distributed Energy Resource (“DER”) solutions that provide subtransmission and distribution system load relief through non-wires solutions (“NWS”). Please specify the project(s) that you will be submitting a response on. Respondents may respond to one or both projects released in this round of NWS solicitation. The project opportunity identified in this RFP is the following:

- West 42nd Street Load Transfer Project

Consolidated Edison, Inc., is one of the nation’s largest investor-owned energy companies, providing electric service to approximately 3.3 million customers and gas service to approximately 1.1 million customers. Consolidated Edison, Inc., provides a wide range of energy-related products and services to its customers through its two regulated subsidiaries: Con Edison., which provides electric, gas and steam services to New York City (“NYC”) and Westchester County; and Orange & Rockland Utilities, Inc., which provides electric and gas services in Rockland County and Orange County in New York State, and parts of New Jersey.

Definitions

NWS: A solution proposed in an identified area as an alternative to a traditional infrastructure resolution for a distribution or transmission constraint. Con Edison will seek to assemble a portfolio of DER solutions to meet the need in the identified area.

DER: Energy efficiency, demand response, distributed generation, or other resources that provide load relief.

Respondent: A person and/or entity, or a representative thereof, replying to this RFP.

Benefit-Cost Analysis (“BCA”): A BCA will be applied to potential non-wire solution alternatives. The [BCA Handbook](#) was developed in collaboration with the New York Joint Utilities to provide consistent and transparent statewide methodologies that calculate the benefits and costs of potential projects and investments. Information requested in the RFPs is critical to effectively evaluate solutions.

RFP Purpose

This RFP solicits responses from qualified Respondents that state an interest in supplying Con Edison with solutions for load relief for the NWS projects described in this document. To assist Respondents, this RFP provides information on the specific NWS projects and also provides requirements that Respondents must follow to submit a proposal. The project described in this RFP has specific need years identified. Projects received will be used to evaluate and determine the load reduction that can be used to satisfy the year over year needs, ultimately deferring the need for a traditional solution.

This RFP is open to all DER approaches that display the potential to provide load relief in the areas identified. Proposed solutions should decrease peak load demand and increase reliability at the lowest

reasonable cost possible. Con Edison will attempt to build a portfolio of projects that will diversify project execution risks and maximize benefits to customers.

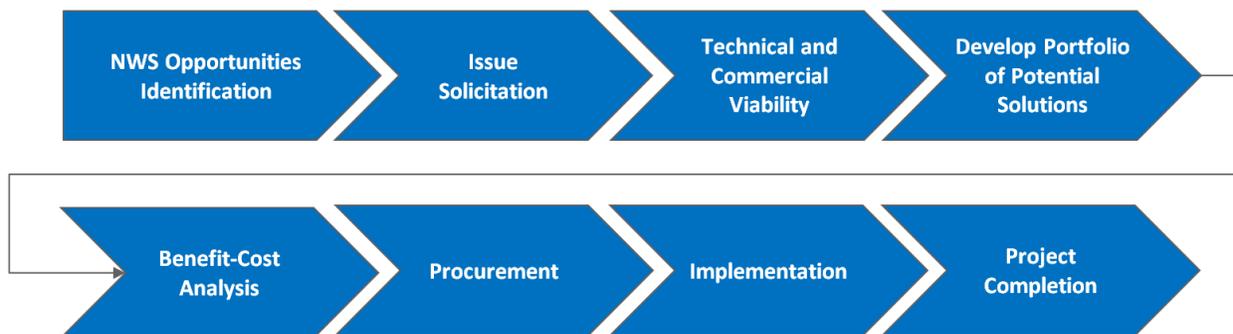
Con Edison expects that each RFP response should at a minimum outline a Respondent’s suggested approach, load relief impact, cost for completing the project, project plan or proposal, and a timeline for implementation as outlined in the [NWS Response Requirements](#) section of this RFP. Responses must also include an hourly impact analysis resulting from the proposed DER solution, as well as a fully completed **Non-Wires Solution Questionnaire (Attachment A)**.

Respondents are expected to be financially and technically capable of developing, constructing and operating proposed projects, such that the anticipated benefits can be realized. Con Edison will make reasonable efforts to evaluate each Respondent’s solution in a manner that equitably balances that solution against the solutions proposed by other Respondents. Professionalism and organization of proposal responses will also be taken into consideration during the review process. Respondents are provided the same Non-Wires Solution Program Agreement (the “Agreement”) used in previous solutions, which contains terms and conditions Con Edison will likely want to pursue under this new RFP, however this agreement serves to provide Respondents an example of what has been used and other potential modifications and arrangements may be pursued.

Responses will be disqualified in the review process if key solution details are left out of the Non-Wires Solution Questionnaire or RFP Response (*e.g.*, nameplate and hourly load relief, full cost details, load reduction for a proposed technology). If Con Edison enters into a contract with a Respondent, then the Respondent will be subject to additional verification milestones to ensure that the Respondent is on track to provide contracted load relief. With regard to any contract entered into with a Respondent to implement a solution, Con Edison may terminate that contract if Con Edison deems that demand reduction goals are not likely to be achieved.

NWS High Level Process

The process shown below is an example of the high-level steps that occur during the identification of NWS, as well as the evaluation, implementation, and verification of the identified solutions. Please note there are multiple actions that take place between each step to move NWS projects forward to implementation and verification of load relief.





NWS Project Description

West 42nd Street Load Transfer- New York, New York

Project Description

To avoid overloading the W.42nd St. No. 1 Substation that supplies the Pennsylvania Network in Manhattan, 55 MW of load is to be transferred from W. 42nd St. No. 1 Substation to Astor Substation prior to the summer of 2021. To defer the 55 MW load transfer beyond 2026 (for example), approximately 42 MW of non-wires solutions will be needed, with 12 MW needed to be online by May 2021. Con Edison seeks to defer the need for a load transfer for as long as possible, and will proceed with a NWS that provides the longest cost effective deferral which may be more or less than the 42 MW needed through 2026. The main driver of this project is the significant new business load growth in the Pennsylvania Network.

The overload at the substation is expected to be the following:

Total MW Need	Overload Period	Peak Hour	Need Period
42 MW	9 AM – 7 PM	2 PM – 3 PM	2021 – 2027

Note: All hours refer to hour ending, which denotes the preceding hourly time period. For example, hour ending 6 PM is the time period from 5:01 PM to 6:00 PM.

The substation’s year-over-year overload is expected to be the following:

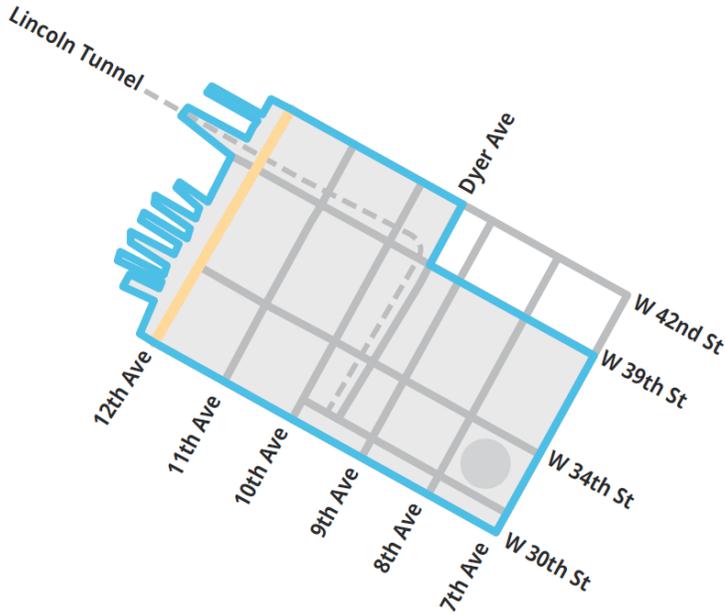
		Year-Over-Year Need						
Project	Total Need (MW)	2021	2022	2023	2024	2025	2026	2027
W. 42 nd Street	42	12	13	1	2	4	5	5

Note: Load reduction need identified for each year will persist through the full need period so the measure implemented must also persist as well.

Area of Need

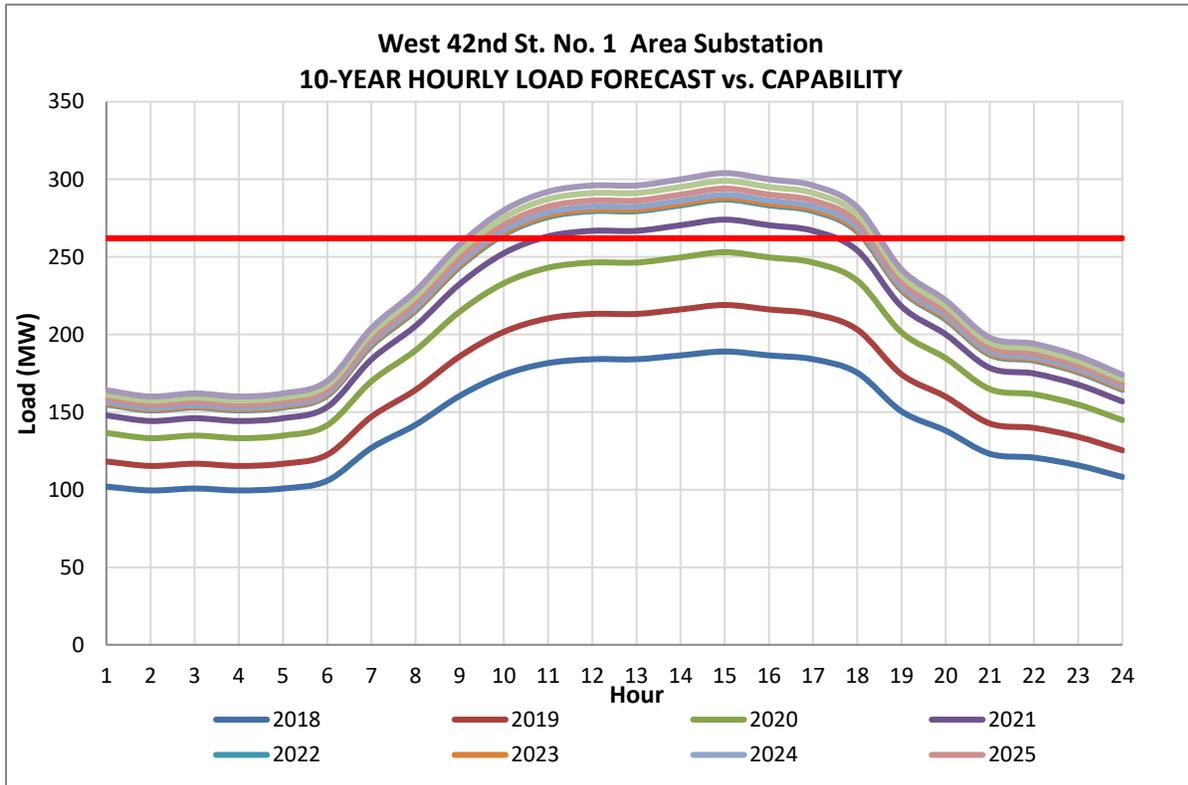
The map below outlines the network in blue and denotes the area where implementation of DERs would provide load relief.

Pennsylvania



Overload Profiles

The graph below represents the load profile of the West 42nd Street Substation.



Customer Demographic Profile

Below are the demographics of the customers in the Pennsylvania network. All customers in the network are capable of providing load relief through implementation of DERs.

Pennsylvania Network

Customer Segment	Customer Count	Annualized Consumption [kWh]	High Demand 1 Year [kW]	Max Average Billed Demand [kW]
Commercial & Industrial	163	598,130,514	149,719	7,521
Miscellaneous	107			
NYPA - Com	56			
Multifamily	10,393	67,430,880	9,946	2,476
Large Multi-Family - Res	10,393			
Residential	162	36,988,204	13,933	9,884
NYPA - Res	6			
Single Family - Res	27			
Small Multi-Family - Res	129			
Small Business	3,199	218,902,493	71,621	290
Miscellaneous	1,094	199,568,809	63,116	290
Grand Total	11,812	902,118,407	236,713	9,884

NOTE:

Green text indicates fields where values have been updated.

The 'Miscellaneous' segment includes customers such as nursing homes, clothing stores, retailers, offices, and others.

NWS Response Requirements

This section outlines the requirements for responses to the RFP. The **Non-Wires Solution Questionnaire (Attachment A)** should be fully completed and submitted with the Respondent's proposal. Failure to complete the questionnaire in its entirety may result in disqualification. Any additional information that Respondents would like to provide about the proposed solution can be included as an attachment to the RFP response. However, priority will be given to the information contained within the specified RFP format and questionnaire. Respondents should note that if selected for implementation of a proposed solution, financial assurances will be required to ensure that the DER measures will be installed and operational on or before the contracted in-service date. Failure to meet contracted milestones may result in underperformance damages. Responses (excluding appendices and attachments) should be no longer than 25 pages. The RFP Response must be submitted with the following key sections:

- Proposed Solution Description
- Project Schedule and Customer Acquisition Plan
- Detailed Costs Associated with the Proposed Solution
- Risks, Challenges, and Community Impacts
- Professional Background and Experience with the Proposed Solution

Proposed Solution Description

Project proposals must demonstrate how the proposed solution will achieve the demand reductions sought and maximize value to Con Edison's customers. Detailed project information must include:

- Executive summary of proposal and general scope of work
- Technology/Solution description (including discussion on technology readiness, flexibility and applicability)
- Type of contract (e.g., shared savings, performance contract, sale, lease-purchase)
- Performance characteristics of the technology
- One-line diagram
- Hourly electric load reduction provided by the solution
- Detailed calculations, data, methodology, and assumptions used to determine the estimated demand reduction and annual kWh savings attributable to each DER measure proposed.
- Community and environmental impacts associated with the solution
- Specification sheets associated with the proposed solution
- Operation and maintenance plan (if applicable)
- A detailed measurement and verification ("M&V") plan for verifying the solutions' load reduction, including provisions for access by the Company and/or its representatives for quality control and quality assurance (independent M&V may be performed at the Company's discretion including, but not be limited to, verification of continued operation and maintenance of the DER measures for the applicable term)

Project Schedule and Acquisition Plan

Proposed DER measures must be in service, and the pledged demand reduction must be guaranteed to commence, by the date(s) specified in the NWS Project Description section above. This section must contain a detailed plan to implement the solution, including:

- Implementation plan and detailed timeline from contracting, to implementation and completion of the proposed solution
- Existing partnerships with Engineering, Procurement and Construction firms
- Respondents proposing to market the installation of DER measures to customers must include the following:
 - Customer acquisition and marketing plan
 - A full and complete assessment of the DER opportunity, including at a minimum, a description of the markets, such as one-to-four family homes, multifamily buildings, small commercial buildings (e.g., retail stores, restaurants), large commercial buildings (e.g., office buildings, industrial) and government or institutional buildings (e.g., hospitals, hotels, schools, colleges), and the applicable DER measures and technologies to be directed at each selected market or customer segment. An illustration of the marketing and sales strategies that will be employed to capture the selected market or customer segment and to deliver the demand reductions included in their proposals (preference will be given to Respondents with pre-existing customer agreements to

deploy the solution upon confirmation by the Company and marketing and sales plans must be expressly approved by the Company)

- Letters of support from customers who plan to implement the solution at their site in the applicable area of need identified (**Note:** since customer qualifications will need to be verified and confirmed by Con Edison, please provide customer account numbers)

Detailed Costs Associated with Proposed Solution

This section must include:

- A detailed cost breakdown, also requested in the **Non-Wires Solution Questionnaire (Attachment A)** with detailed explanations and validation of funding strategies providing examples which are provable and repeatable
- Identification of other funding streams that may be utilized to mitigate cost impact to the Company's customers (i.e., City, State, Federal and private sector funding opportunities)
- Description of anticipated financing, including transaction structures and pricing formulas

Risks, Challenges, Community Impacts

This section must include:

- Identify and explain risks, barriers and challenges associated with implementing the solutions such as:
 - Permitting
 - Construction
 - Operations
 - Customer acquisition
 - Contingency plan for inability to achieve timely load reduction
- Detailed description of non-energy benefits associated with the proposed solution
- Information on elements of the proposal that affect the environment and community (both positive and negative) including, but not limited to, associated GHG emissions, waste streams and management, job creation potential, and visual or noise impacts.

Professional Background and Experience with the Proposed Solution

Respondents must provide the following:

- Firm's core business and organizational structure
- Relevant project experience and examples of prior industry specific work that is similar in nature and relevant to the non-wires alternative solution requirements, with particular emphasis on implementation of the solution, such as at other utilities, large municipalities, co-ops, or any other applicable facilities
- References and contact information of customers where the solutions have been implemented (at least three references)
- Project organizational chart and project team resumes (**include in Appendix**)

- Any other relevant information deemed appropriate and noteworthy supporting and validating the proposed solution **(include in Appendix)**
- Financial statements for the past three years, and services offered **(include in Appendix)**

NWS Questionnaire

Respondents have been provided with a **Non-Wires Solution Questionnaire (Attachment A)**. Respondents should provide complete responses in each category identified in the Questionnaire and submit with the proposal. All fields in the Questionnaire are critical to allow for a thorough review of a potential NWS, as well as provide information important to the creation of the portfolio of awarded projects. All tabs within the Questionnaire must be fully completed. Failure to submit a fully completed Questionnaire will lead to disqualification.

Proposal Evaluation Approach

Solutions proposed in response to this RFP will be reviewed in detail by Con Edison. Con Edison will utilize an evaluation framework to develop the optimal portfolio to address the identified need. Some primary review criteria to be applied to qualified submitted proposals are listed below. The review process is intended to be fair and equitable, with the objective being to achieve the greatest overall value while maintaining the reliability of the electric distribution system.

Respondents should note that although Con Edison will be reviewing the Respondents’ proposed solution if the submission criteria are met, there is no guarantee that it will be selected.

Respondents should also note that each measure of any proposal submitted, whether part of a single-measure proposal or a multiple-measure proposal, will be evaluated against other like measures for equal comparison; and, thereafter, the Company may evaluate all measures in the aggregate in a manner that considers the overall benefit to the Company based on the criteria set forth in this RFP, and include considerations that could allow for the selection of individual measures across multiple proposals.

Projects will be disqualified if the Respondent does not provide the necessary information requested in this RFP and solution questionnaire.

Proposal Criteria

Proposals will be evaluated and scored on the basis of the following criteria which are not necessarily listed in order of significance:

Review Approach	Objective
Proposal Content and Presentation	Information requested has been provided and is comprehensive to allow for evaluation.

Project Costs	Total cost of the project, incentive requested, and \$/MW at peak required from Con Ed for the proposed solution.
Benefit-Cost Analysis	The Company is required to utilize a BCA as outlined in the BCA Handbook filed with the New York State Public Service Commission. A BCA will be applied to the portfolio of solutions to determine the feasibility of implementing a NWS.
Execution Risk	The expected ease of project implementation within the timeframe required for the NWS (e.g., permitting, construction risks, and operating risks).
Qualifications	The relevant experience and past success of Respondents in providing proposed solutions to other locations, including as indicated by reference checks and documented results.
Functionality	The extent to which the proposed solution would meet the defined functional requirements and the ability to provide demand reduction during the peak time and area of need.
Timeliness	The ability to meet Con Edison's schedule and project deployment requirements for the particular non-wires opportunity, reflecting that the detailed project schedule from contract execution to implementation and completion of projects is important for determination of feasibility.
Community Impact	The positive or negative impact that the proposed solution may have on the community in the identified area (e.g., noise, pollution).
Customer Acquisition	The extent to which Respondent's proposed solution would fit into the needs of the targeted network(s), the customer segment of the targeted network(s) and the customer acquisition strategy (Preliminary customer commitments from applicable customers will be highly desirable.)
Availability and Reliability	The ability of the proposed solution to provide permanent or temporary load relief will be considered, along with the dependability and benefits that would be provided to the grid.
Innovative Solution	Innovative solution that (i) targets customers and uses technologies that are currently not part of Con Edison's existing programs, (ii) targets generally underserved customer segments, and/or (iii) is based on the use of advanced technology that helps foster new DER markets and provides potential future learnings

Instructions to Respondent

Respondents are strongly encouraged to submit their proposal in accordance with the summary instructions outlined in this section. The proposal content should focus on the requirements of the [NWS Requirements](#) section above. Additionally, the submittal of a fully completed **Non-Wires Solution Questionnaire (Attachment A)** is required as a separate attachment. There may be such other requirements as may be stated throughout this RFP. Responses (excluding appendices and attachments) should be no longer than 25 pages.

Respondents are required to submit their bid response through the Company’s Procurement System (“Oracle RFQ System”). Any limitation regarding a Respondent’s ability to supply information requested in this RFP (or to support or perform a particular function or service) should be explicitly stated in the proposal response. Any Respondent partnering with other solution providers to perform a particular function or service must be explicitly stated.

RFP Schedule

Below is the expected schedule to be followed for this solicitation:

RFP Solicitation Milestones	Completion Date*
RFP issued	December 18, 2017
Deadline for Respondents to submit clarification questions	January 17, 2018
Con Edison responses to clarification questions due	February 2, 2018
Deadline for Respondents to become enabled in Con Edison Procurement System	February 16, 2018
Qualified Respondents proposals due	March 16, 2018, 5PM EDT

***Con Edison reserves the right to change any of the above dates.**

Contact Information and Questions

All Respondents should direct questions during the clarification question timeframe via email to Michael Heaton, heatonm@coned.com, of Con Edison’s Supply Chain Department. All questions and answers deemed essential for the viable submission of a bid response will be publicly posted at www.coned.com/nonwires. Respondent names will be kept confidential. Respondents must not reach out to other Con Edison personnel regarding this RFP.

Please review the Con Edison Clarification Question Responses posted at www.coned.com/nonwires before submitting questions; the answer to your question may already be provided. This will allow a quicker response to questions.

The Company will have no obligation to evaluate late submissions, nor be responsible in any way for any consequences associated with late submissions.

Proposal Submittal Instructions

All proposals must be submitted through the Oracle RFQ System on or prior to the due date and time. Respondents who fail to submit by the due date and time will be locked out of the Oracle RFQ System. Therefore, Respondents are encouraged to upload submissions well in advance of the closing time to avoid any potential issues that may occur, including any unfamiliarity with the Oracle RFQ System. Respondents who have never participated in Con Edison RFQ must take the following actions to successfully submit a proposal:

1. Download this NWS RFP, **Non-Wires Solutions Questionnaire (Attachment A)**, and Supplier Enablement Template
2. Become enabled in the Oracle RFQ System by submitting the below items to Michael Heaton at heatonm@coned.com
 - a. W-9 form (version last updated December 2014)
 - b. Supplier Enablement Template (Select **CE Sourcing** under Oracle responsibility field)
3. Receive Formal RFQ response request (will be same information downloaded from non-wires alternative website)
4. Submit response and **fully completed** Questionnaire to Con Edison Procurement System through the Oracle RFQ System

Please note, if you are already enabled in Con Edison’s Oracle RFQ system, please email Michael Heaton indicating your interest in participating. Please only follow steps 3 and 4 after you have emailed Michael.

Proposal Response Format

The response shall include a proposal and the fully completed **Non-Wires Solution Questionnaire (Attachment A)**.

Note: The Oracle RFQ System is only capable of accepting individual documents no larger than 5MB in size. Respondents may find it necessary to split up large documents into smaller files due to this system constraint.

The technical proposal response for this RFP shall be submitted as either a Word or a PDF document, and shall be organized as follows:

Proposal Section	Proposal Section Title
N/A	Cover Letter
N/A	Respondent Checklist
N/A	Table of Contents
1	Executive Summary
2	Proposal <ul style="list-style-type: none"> • Proposed Solution Description • Project Schedule and Customer Acquisition Plan • Detailed Costs Associated with the Proposed Solution • Risks, Challenges, and Community Impacts

	<ul style="list-style-type: none"> Professional Background and Experience with the Proposed Solution
3	Assumptions and Exceptions
Appendix	<ul style="list-style-type: none"> Organizational Chart & Resumes Respondent Qualifications and References Financial statements for the past three years Other relevant information
Separate Document (excel-based)	Non-Wires Solutions Questionnaire (Attachment A)

Cover Letter

The cover letter shall include the following:

- Respondent legal name and address
- The name, title and telephone number of the individual authorized to negotiate and execute the Agreement
- The signature of a person authorized to contractually bind Respondent’s organization
- A statement that the Respondent has read, understands and agrees to all provisions of the RFP, or, alternately, that indicates exceptions will be taken to the RFP

Respondent Checklist

Respondent should provide to the Company the properly completed [Respondent Checklist \(Appendix\)](#) as part of the proposal.

Table of Contents

Include a clear identification of the proposal by section and by page number as identified above.

Executive Summary

In this section, Respondent should provide an executive overview and summary of the key features of Respondent’s solution.

Proposal

This section should contain a response to the [NWS Requirements](#) section above. The following information addresses major areas that shall be included in Respondent’s proposal:

- [Proposed Solution Description](#)
- [Project Schedule and Customer Acquisition Plan](#)
- [Detailed Costs Associated with the Proposed Solution](#)
- [Risks, Challenges, and Community Impacts](#)
- [Professional Background and Experience with the Proposed Solution](#)

Proposals may also identify areas not included in the Requirements that may be beneficial for consideration, along with a rationale for why the additional recommendation(s) would better help achieve the required load reduction.

Assumptions & Exceptions

- Respondents should provide a list of assumptions made in developing the response to this RFP that should be considered when evaluating the response
- Respondents should provide a stand-alone section listing any exceptions to the RFP

Glossary of Terms

Respondent should provide a glossary of terms that is specific to the Respondent's solution.

Appendix

Respondents should provide information not specifically requested in the body of the proposal in an appendix or as a separate attachment. Such items include:

- Organizational charts and resumes
- Financial statements for the past three years
- Other relevant information

Non-Wires Solution Questionnaire

Respondent should attach the responses to the **Non-Wires Solution Questionnaire (Attachment A)**, fully completed, with the RFP submittal.

RFP Terms and Conditions

It is solely the responsibility of each Respondent to ensure that all pertinent and required information is included in its submission. Con Edison reserves the right to determine at its sole discretion whether a submission is incomplete or non-responsive.

Respondents should state clearly all assumptions made with respect to this RFP. In the absence of an explicit statement to the contrary, each Respondent shall be deemed to have agreed with and understood the requirements of this RFP. While Con Edison has endeavored to provide accurate information, Con Edison makes no warranty or representation of accuracy.

Any exceptions to the terms, conditions, provisions, and requirements herein must be specifically noted and explained by Respondent in Respondent's response to this RFP. Con Edison will assume that any response to this RFP expressly accepts all the RFP terms, conditions, provisions and requirements, except as expressly and specifically stated by a Respondent in its response to this RFP.

Respondents agree to keep confidential all information provided by Con Edison in connection with this RFP.

Qualifications of Respondents

The Company may make such investigation as the Company deems necessary to determine the qualifications of Respondents and proposed subcontractors to perform the work. A Respondent should promptly furnish any information and data as may be requested by the Company as part of any such investigation. The failure of a Respondent to produce timely information and data requested by the Company may provide a basis for rejection of the proposal.

Proprietary Information

If a proposal includes any proprietary data or information that a Respondent does not want disclosed to the public, such data or information must be specifically designated as such on each page on which it is found. Con Edison shall be held harmless from any claim arising from the release of proprietary information not clearly identified as such by a Respondent. Because of the need for public accountability, the following information regarding the proposal shall not be considered proprietary, even if such information is designated as such: pricing terms and non-financial information concerning compliance with RFP specifications.

Cost of Proposal Preparation

The cost of preparing a proposal in response to this RFP, including, but not limited to, the cost associated with site visits and preliminary engineering analysis, will not be reimbursed by Con Edison.

Right to Reject

This RFP shall not be construed to create an obligation on the part of Con Edison to enter into any contract, or to serve as a basis for any claim whatsoever for reimbursement of costs for efforts expended by Respondent. Con Edison shall not be obligated by any statements or representations, whether oral or written, that may be made by the Company, its employees, principals, or agents.

Con Edison reserves the right to accept any responsive proposal, to reject any and all proposals, and to waive irregularities or formalities if deemed to be in the best interests of the Company. Any such waiver shall not modify any remaining RFP requirements nor excuse any Respondent from full compliance with all other RFP specifications and contract requirements if the Respondent is awarded the contract. Con Edison shall reject the proposal of any Respondent that is determined not to be a responsible bidder, or whose proposal is determined by the Company to be non-responsive.

Con Edison reserves the right to withdraw this RFP at any time and for any reason, and to issue such clarifications, modifications, and/or amendments at any time as it may deem appropriate. Receipt by the Company of a response to this RFP confers no rights upon a Respondent, nor any obligations upon the Company.

Revision to the RFP

Con Edison reserves the right to make changes to this RFP by issuance of one or more addenda or amendments and to distribute additional clarifying or supporting information relating thereto. Con Edison may ask any or all Respondents to elaborate or clarify specific points or portions of their submission. Clarification may take the form of written responses to questions or phone calls or in-person meetings for the purpose of discussing the RFP, the responses thereto, or both.

If it becomes necessary to clarify or revise this RFP, such clarification or addendum shall be issued by the Company by letter, email or written addendum to the RFP. Any RFP addendum shall be delivered by hand, certified mail, facsimile, e-mail or delivery by courier service which certifies delivery. Only those respondents that have already received the proposal documentation directly from the Company will be



provided the clarification. Any addendum to, and/or clarification or revision of this RFP, shall become part of this RFP and, if appropriate, part of the Agreement that derives from the RFP.

Basis of Proposal Award

Award of proposal shall be made to the most responsive and responsible respondent meeting the specifications, price and other factors considered, as determined by the Company, in its sole discretion. The proposal evaluation criteria are set forth within this RFP.

Duration of the Contract

The duration of the Agreement will be for a term specified in the project description, commencing upon the completion of construction unless otherwise provided herein. In the event that the Company determines not to proceed with the project, the successful respondent will be paid in accordance with the amounts as agreed by the Respondent and the Company.

NWS Program Agreement

RFP awardees are expected to sign the NWS Program Agreement proposed by Con Edison. The current Agreement may be found at www.coned.com/nonwires under Related Information. See below for certain items to note in the Agreement, which do not necessarily reflect all of the items that could be important to a given Respondent.

Underperformance

Respondents should note that failure to deliver load relief committed to as part of any solution may result in liquidated damages to Con Edison as provided for by the contract between Respondent and Con Edison.

Security

Respondents are put on notice that if a Respondent's solution is selected, then Respondent may be required to furnish security to Con Edison that demonstrates, among other things, financial capability to pay liquidated damages in the event that the Respondent fails to satisfy its Load Reduction Guaranty during the period required.

Subcontracting and Assignment

No portion of the work associated with any project resulting from a successful response to this RFP by a Respondent may be delegated, subcontracted, assigned, or otherwise transferred without the prior written approval of the Company in each case.



Appendix: Respondent Checklist

The Respondent must provide the following checklist which must be properly completed with the proposal and submitted to the Company as part of the proposal.

Checklist Item	Initial
RFP RESPONSE SPECIFIED FOR APPLICABLE PROJECT (Please check all that apply): <input type="checkbox"/> Please specify project(s) name: _____	
REVIEWED ALL RFP DOCUMENTS AND LAWS AND REGULATIONS THAT IN ANY MANNER MAY AFFECT COST, PROGRESS, OR PERFORMANCE	
FULLY COMPLETED PROPOSAL ADHERING TO THE FORMAT PROVIDED WITHIN THIS RFP	
ENABLED IN CON EDISON PROCUREMENT SYSTEM	
FULLY COMPLETED NON-WIRES SOLUTION QUESTIONNAIRE (ATTACHMENT A)	
<ul style="list-style-type: none">• Summary	
<ul style="list-style-type: none">• Energy	
<ul style="list-style-type: none">• Financials	
<ul style="list-style-type: none">• Additional Review Criteria	

NOTE: FAILURE TO COMPLY WITH RFP PROCESS, COMPLETE AND SUBMIT OF ALL THE ABOVE DOCUMENTS ON THE FORMS PROVIDED HEREIN, WILL RESULT IN A REJECTION OF YOUR BID.

By placing my initials in the boxes provided above, I acknowledge having read and that I understand fully all of the requirements, including with regard to each of the documents referenced herein.

RESPONDENT (SIGNATURE): _____

RESPONDENT (PRINT NAME): _____

DATE: _____