



Request for Information
Notice of Availability of Two 1.65 MW Wind Turbines
2007-CE-02
December 8, 2006

Purpose of this RFI

The purpose of this RFI is to assess the pipeline of small-scale wind projects under development within Massachusetts specifically and within the New England region generally, with prospects for construction within calendar year 2007. Specifically, the Massachusetts Technology Collaborative (MTC) seeks to identify any wind projects with the potential to use one or both of two Vestas V-82 wind turbines, currently under contract to MTC, by December 31, 2007. These turbines were originally earmarked for use in a wind project in the watershed in the Town of Orleans. However, MTC is willing to offer them elsewhere if this would contribute substantially to the construction of a wind project that benefits Massachusetts electric ratepayers in 2007.

Background – MTC Wind Turbines

On November 30, 2005, the MTC Board voted to approve the acquisition of two 1.65 MW Vestas wind turbines (MTC Turbines). Based on that approval, MTC entered into a contract with Vestas to procure the MTC turbines at a cost of \$5,282,566, including delivery and a two year warranty. The general scope and terms of MTC's contract with Vestas are set forth in Attachment A-1.

The MTC Turbines initially were to be used in a wind project to be constructed within the Town of Orleans watershed during the fall of 2006. However, during project development, MTC and the Town identified issues that needed to be addressed prior to construction within the sensitive watershed area. These issues have (based on current facts and circumstances) pushed the installation date for the Orleans project back to at least the late fall, 2007. MTC is committed to supporting a wind project in Orleans, on a timetable appropriate to the project.

MTC recognizes that the availability of 1.5 MW class turbines is a significant impediment to the construction of wind projects in Massachusetts and New England. MTC therefore seeks to determine whether it could significantly advance the pace of construction of one or more wind projects beneficial to Massachusetts ratepayers by making the MTC Turbines available to wind projects in an advanced stage of development.

Who should respond with an expression of interest or request to negotiate?

MTC seeks **expressions of interest** from wind project proponents who may wish to use one or both Vestas V-82 turbines in a wind project to be completed by December 31, 2007, but who are not yet ready to enter into negotiations with MTC (and Vestas, as their consent is required to an assignment of the MTC Turbines, as more fully described below). MTC also seeks **requests to negotiate** from wind project proponents that have reached the project milestones outlined below, and that are willing to enter immediately into negotiations with MTC (and Vestas) to purchase one or both of its Vestas V-82 turbines for use in a calendar year 2007 project.

Expressions of interest may come from (i) potential developers of wind generating projects, (ii) municipalities committed to the development of a wind generating project on municipal land, (iii) federal or state agencies, (iv) commercial or industrial electrical users with confirmed plans to construct a wind

generation project, or (v) any other interested parties. Respondents should have a credible, documented timeline leading to commencement of project construction by December 31, 2007.

Requests to negotiate may come from any of the above entities that meet the project milestones outlined below, and are able to enter immediately into negotiations with MTC (and Vestas). MTC also will entertain requests to negotiate from municipalities that meet the project milestones outlined below, and that wish to offer one or both of the MTC Turbines as part of an RFP seeking private development partners.

MTC encourages responses by teams of proponents (for example, a municipality and a project developer, or a federal agency and a contractor) in cases where teaming enhances the probability that a project can be completed prior to December 31, 2007.

How will your response be used?

MTC will evaluate the **expressions of interest** to assess the potential for using the MTC Turbines in a wind project during calendar year 2007. MTC will regard all those who express interest as potential purchasers of the MTC Turbines, and will use reasonable efforts to remain in close contact (as staff time permits) with the projects as they evolve. Responses to the **expressions of interest** will also provide MTC with a better understanding of the pipeline of community-scale wind projects in Massachusetts and New England. This understanding will inform MTC's future program development.

MTC will evaluate each **request to negotiate** to determine: (1) whether the project has a high probability of proceeding in calendar year 2007; (2) whether use of one or both of the MTC Turbines would significantly advance completion of the project; and (3) the extent to which the project will benefit RET ratepayers. If so, MTC may, in the sole exercise of its discretion, enter into negotiations for the sale of one or both of the MTC Turbines to the project proponent. Alternately, if the project proponent is a municipality, MTC may, in the sole exercise of its discretion, enter into negotiations to allow the municipality to indicate the availability of the MTC Turbines as part of a project RFP.

Project Milestones for Negotiation

MTC is willing to consider entering into negotiations with project proponents that have met the following milestones:

- **Site Control** – The project proponent must own the project site, have a lease for the site, have a lawfully exercisable and not unduly conditioned option to purchase or lease the site, or must otherwise demonstrate legal control over the project site sufficient to allow construction of the project.
- **Vestas Approval** – Vestas must have certified that the V-82 turbines, on 80 foot towers, are suitable for use at the proposed site. Vestas makes this determination based on an examination of site-specific wind data.
- **Litigation** – There must be no pending litigation (to the best of the proponent's knowledge at the time of response) that could prevent construction of the project in calendar year 2007.
- **Legislation** – If legislative action is required to authorize the construction or operation of the project, the project proponent must have such legislative authorization in hand at the time of response to this RFI. Such action could include, but is not limited to:
 - Home rule legislation specifically authorizing municipal ownership of generating assets, if municipal ownership is contemplated; and
 - Home rule legislation authorizing the lease of lands subject to Article 97 restrictions, if leasing of Article 97 lands is contemplated.
- **Permitting Schedule** – The project proponent must present a credible and documented plan for obtaining all necessary permits in time to construct the project by December 31, 2007. MTC has a preference for projects that have completed the permitting process.
- **Financing Plan** – The project proponent must present a credible and documented plan for total financing of construction of the project. MTC is willing to consider, in the sole exercise of its discretion, financing the purchase of the MTC Turbines at commercial rates and pursuant to an

“arms length” business transaction. An example of such a transaction would be a 20-year loan at a specified interest rate. MTC shall not consider financing balance of plant costs.

- Construction Plan – The project proponent must present a credible plan for completion of the construction of the project by December 31, 2007. The plan may consist of a timetable for issuing an RFP for a balance of plant contractor. MTC has a preference for project proponents who can describe the makeup of their Project Team and the plan for management and oversight of the project.

MTC Treatment of Sensitive Information

As a public agency, MTC is bound by the Massachusetts Public Records Law. We also recognize that private companies may have a legitimate basis for keeping certain information out of the public domain. For example, a developer may wish to control the timing of public announcements relating to potential projects. Respondents should strongly consider whether they should submit any information to MTC that Respondent deems sensitive or confidential. However, Respondents who choose to submit information that they deem sensitive are required to do so in strict accordance with MTC’s Policy and Procedures Regarding Submission of “Sensitive Information” in **Attachment A-2 at the time of initial submission**.

Information submitted without any assertion of confidentiality or in a manner that fails to strictly comply with MTC’s Policy and Procedures shall be deemed subject to public disclosure if it becomes the subject matter of a valid public records request. **PLEASE NOTE THAT MATERIALS SUBMITTED ELECTRONICALLY ARE NOT SUBJECT TO THE PROTECTIONS OF THE PROCEDURES SET FORTH IN ATTACHMENT A-2.**

How to Respond to this RFI

Please submit a single unbound copy or electronic file (see note on electronic submissions above) of your **Expression of Interest** by close of business on **Friday, January 12, 2007**. Submit responses, and any questions that you may have, to:

Diedre Matthews
Massachusetts Technology Collaborative
75 North Drive
Westborough, MA 01581

matthews@masstech.org
508-870-0312 x1-219
508-898-9226 (fax)

You may submit a **Request to Negotiate** to the above address at any time. This RFI will remain open until MTC has determined the disposition of the MTC Turbines or determines, in the sole exercise of its discretion, to terminate the RFI. Respondents are encouraged to visit MTC’s website (www.masstech.org) for any information on this RFI that may be posted there by way of updates.

REMEMBER: Do not submit any sensitive information electronically to MTC.

Instructions

1. Respondents submitting an **expression of interest** should complete the first two pages only. Respondents submitting a **request to negotiate** should complete all four pages, answering as completely as possible.
2. Be sure to understand and comply with MTC’s Policy and Procedures Regarding Submission of **“Sensitive Information.”**
3. Use separate sheets to provide additional comments or information.
4. Submit only the “Response Pages” to MTC.

Please submit your Expression of Interest by Friday, January 12, 2007. You may submit a Request to Negotiate at any time.



>> ----- Response Pages ----- <<

Request for Information

(2007-CE-02)

December 8, 2006

Please see instructions on the previous page, especially regarding MTC's Policy and Procedures Regarding Submission of "Sensitive Information."

Respondent Information	
Respondent Name(s):	
Respondent Contact Information: (Name, telephone number, email address)	
Is respondent a municipality or municipal entity? A state or federal government entity? An energy developer? A commercial or industrial electric customer? Other? Please explain.	
Type of Response:	☐ Expression of Interest ☐ Request to Negotiate
Project Information	
Project Name:	
Project Location (Street address or landmark, city or town, zip code):	
Indicate the number, size and location of the wind turbines to be used in this project.	
Describe the project site – size, location, current use, vegetation, etc.	
What entity has authority or control over the project site? Will the proponent own or lease the site?	
Where will the power be used? On-site or export to wholesale market? If on-site, describe the nature and size of the load.	

Respondent Information	
Has a feasibility study been completed? By whom? What were the results?	
Who will own the project – municipality, private party, other? Please explain.	
To which electrical utility will you be interconnecting? Have you had discussions about interconnection, or submitted an interconnection request?	
Indicate whether you are interested in purchasing one or both of the MTC turbines. Describe your other options for obtaining turbines for this project.	

Project Schedule	Responses
Please provide estimated dates for:	
1. Issuing a site RFP (offering a parcel for lease for wind development) or turnkey RFP (seeking a contractor to construct the wind project)	
2. Selection of developer or turnkey contractor	
3. Negotiation and execution of site control agreements	
4. Application for and receipt of major permits	
5. Application for and receipt of interconnection approval	
6. Site Preparation	
7. Commencement of Construction	
8. Commercial Operation	
9. General comments on Project Schedule:	

COMPLETE THE REMAINING SECTIONS ONLY IF SUBMITTING A REQUEST TO NEGOTIATE

COMPLETE THIS PAGE ONLY IF SUBMITTING A REQUEST TO NEGOTIATE

Project Milestones (Request to Negotiate Only)	
Please discuss how the project has met the following milestones: 1. Site Control – Document legal control over the project site sufficient to allow construction of the project.	
2. Vestas Approval – Provide documentation that Vestas has certified that the MTC turbines are suitable for use at the proposed site.	
3. Litigation – Indicate if there is any pending litigation that could forestall the construction of the project. If prior litigation has been resolved, describe the prior litigation and how it was resolved.	
4. Legal Authority – Indicate whether construction and operation of the project requires any legislative action. If so, describe the legislative action required, and indicate when it was received.	
5. Permitting Schedule – Complete permitting schedule on the next page, demonstrating a credible plan for obtaining all necessary permits in time to construct the project by the end of 2007. Indicate permits already in hand.	
6. Financing Plan – Discuss plans for financing the project, demonstrating a credible plan for obtaining all financing needed to construct the project by the end of 2007. Will the project be seeking: (1) a long-term loan from MTC to finance the purchase of the wind turbines, or (2) MTC's Standard Financial Offer for municipal projects?	
7. Construction Plan – Describe the anticipated construction timeline that will result in completion of the project by December 31, 2007. Describe the makeup of the Project Team and the plan for management and oversight of the project to the extent known.	

COMPLETE THIS PAGE ONLY IF SUBMITTING A REQUEST TO NEGOTIATE

Permits and Approvals

- 1) In the table below, identify all local, state and federal permits that the project requires. Indicate the status of each permit/approval (e.g. obtained – date, in process, pending) and who will be responsible for obtaining the permit/approval (e.g. municipality, private developer).
- 2) Describe plans for obtaining permits and approvals that are not already in hand or are not the responsibility of a third-party developer.
- 3) Describe all public outreach and input that has taken place to date relating to the project. Describe any additional public outreach/input plans or requirements.

Permit / Approval	Status	Responsible Party
Local		
Town Meeting Vote		
City Council Vote		
Wetlands Determination		
Site Plan Review		
Zoning Variance		
Building Permits		
State or Utility		
Legislative Authorization for Use of "Article 97" Land		
Legislative Authorization for Municipal Ownership of Commercial Power Facility		
MEPA Certificate		
Electrical Interconnection		
Federal		
FAA Airspace Review		
Other		

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>>>> ----- **Please delete remaining pages from your response** ----- <<<<

ATTACHMENT A-1

The Massachusetts Technology Collaborative Turbine Supply Agreement – Summary Sheet

Two Vestas V82 – 1,650 kW Turbines

Contracts / Amendments / Notices	Date	Description / Status
Original Contract	12/9/2005	TSA and Intellectual Property License: • Supply two V82-1,650kW turbines • Arctic package included • 80m towers • Vestas Online Standard system • Delivery to Town Watershed, Orleans, MA • Commissioning and start-up testing • Training session • Job books and documentation • Supplier permits (with some Buyer assistance) Not included: • Unloading, storing, assembling, erecting, or installing WTGs, towers, remote control systems
Value		\$5,282,566 (US) (Approximately \$30k reduction if switch to 70m towers)
Payment Schedule		Without Buyer letter of credit (which would have to be provided 90 days prior to scheduled deliver date): 25% Down payment (MTC paid 12/05) 50% Denmark Shipment – 90 days prior to scheduled delivery (MTC paid 6/06) 20% Delivery payment – 30 days prior to scheduled delivery of all Turbine Equipment to Delivery Site (MTC paid 10% 9/06) 5% Completion of Commissioning and Start-Up Testing, or 90 days following execution of Delivery Certificates
Warranty and Service Agreement	12/9/05	• Two year term • Service Agreement can be extended for a single additional period not to exceed 3 years • \$40,344 per year fee
Official Contacts		Buyer Matt Schemmel, MTC Mark Kalpin, WilmerHale Supplier President, Vestas-American Wind Tech., Inc.
Delivery Date	9/20/06	• 6/06: Turbines are warehoused in Houston, TX
Notices	4/21/06 7/19/06	Matt S. email confirms MTC only purchasing Vestas Online Standard monitoring system MTC notice re delay delivery until Nov. 30, 2006
Amendments		None to date – Change Order re: delivery date and storage is under negotiation

ATTACHMENT A-2

The Massachusetts Technology Collaborative Policy and Procedures Regarding Submission of “Sensitive Information”

The Massachusetts Technology Collaborative and the Massachusetts Renewable Energy Trust which it administers (collectively referred to herein as “MTC”) is subject to the requirements concerning disclosure of public records under the Massachusetts Public Records Act, M.G.L. c. 66 (the “Public Records Act”), which governs the retention, disposition and archiving of public records. For purposes of the Public Records Act, “public records” include all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by MTC. As a result, any information submitted to MTC by a grant applicant, recipient grantee, respondent to a request for response (including, but not limited to an RFQ, RFP and RFI), contractor, or any other party (collectively the “Submitting Party”) is subject to public disclosure as set forth in the Public Records Act.

The foregoing notwithstanding, “public records” do not include certain materials or data which fall within one of the specifically enumerated exemptions set forth in the Public Records Act or in other statutes, including MTC’s enabling act, M.G.L. Chapter 40J. One such exemption that may be applicable to documents submitted by a Submitting Party is for any documentary materials or data made or received by MTC that consists of trade secrets or commercial or financial information regarding the operation of any business conducted by the Submitting Party, or regarding the competitive position of such Submitting Party in a particular field of endeavor (the “Trade Secrets Exemption”).

It is MTC’s expectation and belief that the overwhelming percentage of documents it receives from a Submitting Party does not contain any information that would warrant an assertion by MTC of an exemption from the Public Records Act. Submitting Parties should therefore take care in determining which documents they submit to MTC, and should assume that all documents submitted to MTC are subject to public disclosure without any prior notice to the Submitting Party and without resort to any formal public records request.

In the event that a Submitting Party wishes to submit certain documents to MTC and believes such a document or documents may be proprietary in nature and may fall within the parameters of the Trade Secrets Exemption and/or some other applicable exemption, the following procedures shall apply:

1. At the time of the Submitting Party’s initial submission of documents to MTC, the Submitting Party must provide a cover letter, addressed to MTC’s General Counsel, indicating that it is submitting documents which it believes are exempt from public disclosure, including a description of the specific exemption(s) that the Submitting Party contends is/are applicable to the submitted materials, a precise description of the type and magnitude of harm that would result in the event of the documents’ disclosure, and a specific start date and end date within which the claimed exemption applies. If different exemptions, harms and/or dates apply to different documents, it is the Submitting Party’s responsibility to provide detailed explanations for each such document.
2. At the time of the Submitting Party’s initial submission of documents to MTC, the Submitting Party must also clearly and unambiguously identify each and every such document that it contends is subject to an exemption from public disclosure as “Sensitive Information.” It is the Submitting Party’s responsibility to ensure that all such documents are sufficiently identified as “Sensitive Information,” and Submitting Party’s designation must be placed in a prominent location on the face of each and every document that it contends is exempt from disclosure under the Public Records Act.

Information submitted to MTC in any form other than a hard copy document will not be subject to the procedures set forth in this Attachment B. For example, information submitted by e-mail, facsimile and/or verbally will not be subject to these procedures and may be disclosed at any time without notice to the Submitting Party.

3. Documents that are not accompanied by the written notification to MTC's General Counsel or are not properly identified by the Submitting Party as "Sensitive Information" at the time of their initial submission to MTC are presumptively subject to disclosure under the Public Records Act, and the procedures for providing the Submitting Party with notice of any formal public records request for documents, as set forth below, shall be inapplicable.
4. At the time MTC receives documents from the Submitting Party, any such documents designated by Submitting Party as "Sensitive Information" shall be segregated and stored in a secure filing area when not being utilized by appropriate MTC staff. By submitting a grant application, request for response, or any other act that involves the submission of information to MTC, the Submitting Party certifies, acknowledges and agrees that (a) MTC's receipt, segregation and storage of documents designated by Submitting Party as "Sensitive Information" does not represent a finding by MTC that such documents fall within the Trade Secrets Exemption or any other exemption to the Public Records Act, or that the documents are otherwise exempt from disclosure under the Public Records Act, and (b) MTC is not liable under any circumstances for the subsequent disclosure of any information submitted to MTC by the Submitting Party, whether or not such documents are designated as "Sensitive Information" or MTC was negligent in disclosing such documents.
5. In the event that MTC receives an inquiry or request for information submitted by a Submitting Party, MTC shall produce all responsive information without notice to the Submitting Party. In the event that the inquiry or request entails documents that the Submitting Party has previously designated as "Sensitive Information", the inquiring party shall be notified in writing that one or more of the documents it has requested has been designated by the Submitting Party as "Sensitive Information", and that a formal, written public records request must be submitted by the requesting party to MTC's General Counsel for a determination of whether the subject documents are exempt from disclosure.
6. Upon the General Counsel's receipt of a formal, written public records request for information that encompass documents previously designated by Submitting Party as "Sensitive Information", the Submitting Party shall be notified in writing of MTC's receipt of the public records request, and MTC may, but shall not be required to provide Submitting Party an opportunity to present MTC with information and/or legal arguments concerning the applicability of the Trade Secrets Exemption or some other exemption to the subject documents.
7. The General Counsel shall review the subject documents, the Public Records Act and the exemption(s) claimed by the Submitting Party in making a determination concerning their potential disclosure.

The General Counsel is the sole authority within MTC for making determinations on the applicability and/or assertion of an exemption to the Public Records Act. No employee of MTC other than the General Counsel has any authority to address issues concerning the status of "Sensitive Information" or to bind MTC in any manner concerning MTC's treatment and disclosure of such documents.

Furthermore, the potential applicability of an exemption to the disclosure of documents designated by the Submitting Party as "Sensitive Information" shall not require MTC to assert such an exemption. MTC's General Counsel retains the sole discretion and authority to assert an exemption, and he may decline to exert such an exemption if, within his discretion, the public interest is served by the disclosure of any documents submitted by the Submitting Party.

8. MTC shall provide the requesting party and Submitting Party with written notice of its determination that the subject documents are either exempt or not exempt from disclosure.
9. In the event that MTC determines that the subject documents are exempt from disclosure, the requesting party may seek review of MTC's determination before the Supervisor of Public

Records, and MTC shall notify the Submitting Party in writing in the event that the requesting party pursues a review of MTC's determination.

10. In the event the requesting party pursues a review of MTC's determination that the documents are exempt from disclosure and the Supervisor of Public Records concludes that the subject documents are not exempt from disclosure and orders MTC to disclose such documents to the requester, MTC shall notify the Submitting Party in writing prior to the disclosure of any such documents, and Submitting Party may pursue injunctive relief or any other course of action in its discretion.
11. In the event that MTC determines that the subject documents are not exempt from disclosure or the General Counsel determines that, under the circumstances and in his discretion, MTC shall not assert an exemption, MTC shall notify the Submitting Party in writing prior to the disclosure of any such documents, and Submitting Party may pursue injunctive relief or any other course of action in its discretion.

The Submitting Party's submission of documentation to MTC shall require a signed certification that Submitting Party acknowledges, understands and agrees with the applicability of the foregoing procedures to any documents submitted to MTC by Submitting Party at any time, including but not limited to the acknowledgements set forth herein, and that Submitting Party shall be bound by these procedures.

All documents submitted by Submitting Party, whether designated as "Sensitive Information" or not, are not returnable to Submitting Party.