

**2012 REQUEST FOR PROPOSALS**

**FOR**

**STANDARD WHOLESALE ENERGY PRODUCTS**

Levitan & Associates, Inc.

Procurement Administrator on behalf of

Illinois Power Agency

for

Ameren Illinois Company

**ISSUE DATE: March 14, 2012**

**DUE DATE: April 26, 2012**

**Illinois Power Agency  
Ameren Illinois Company  
Request for Proposals for Wholesale Energy Products**

Table of Contents

1.0	Introduction.....	1
2.0	Background.....	1
3.0	Purpose and Scope .....	2
3.1	Product Definition.....	2
3.2	Bidding Requirements .....	4
4.0	Other Requirements .....	5
4.1	Contract.....	5
4.2	Pre-Bid Letter of Credit .....	5
5.0	RFP Schedule and Procedure.....	5
5.1	Schedule.....	5
5.2	Communications .....	7
5.3	Bidder Pre-Qualification Application.....	7
5.4	Requests for Additional Information from Bidders .....	9
5.5	Review of Bidder Pre-Qualification Application .....	9
5.6	Bidder Registration .....	10
5.7	Supplier Fee .....	11
5.8	Binding Bids .....	11
5.9	Notification and Award.....	11
5.10	Performance Assurance .....	12
6.0	Evaluation Process and Criteria.....	12
6.1	Evaluation of Binding Bids.....	12
6.2	Bids Not Subject to Subsequent Negotiation.....	13
6.3	Binding Bids .....	13
7.0	Confidentiality .....	13

ATTACHMENT A – Confirmation Agreement

ATTACHMENT B – Form of Pre-Bid Letter of Credit

**Illinois Power Agency  
Ameren Illinois Company  
Request for Proposals for Wholesale Energy Products**

1.0 Introduction

Levitan & Associates, Inc. (“LAI”), as Procurement Administrator on behalf of the Illinois Power Agency (“IPA”), is issuing this Request for Proposals (“RFP”) for wholesale energy supply to serve Eligible Retail Customers of the Ameren Illinois Company covering the period June 1, 2012 through May 31, 2015. Ameren Illinois Company serves about 1.2 million customers throughout Illinois, and is a subsidiary of Ameren Corporation, headquartered in St. Louis, Missouri. More information about Ameren Illinois Company can be found at <http://www.amerenillinois.com>.

Wholesale energy will be procured in accordance with the IPA’s 2012 Procurement Plan to meet the partial supply requirements of Ameren Illinois Company customers who are served under fixed-price bundled service tariffs. Eligible customers include retail customers in the following customer classes that have peak demand less than 400 kW and whose service has not been declared competitive: residential (DS-1); non-residential less than 150 kW (DS-2); non-residential from 150 kW to 400 kW (DS-3A); and, lighting service (DS-5). The IPA seeks to procure adequate wholesale energy, which, when combined with previous wholesale energy purchases, will meet 100% of the Ameren Illinois Company eligible customers’ energy requirements for the 2012-13 planning year, 70% of the energy requirements for the 2013-14 planning year, and 35% of the energy requirements for the 2014-15 planning year.

2.0 Background

Public Act 095-0481, including the Illinois Power Agency Act (“IPA Act”) and modifications to the Public Utility Act (“PUA”), declared that customer classes with peak demands of 400 kW or more had to be competitive by no later than May 2010 for Ameren Illinois Company. The legislation also established the IPA to administer a procurement process beginning in August 2008. Under Section 16-111.5(a) of the PUA, Ameren Illinois Company had oversight responsibility for procuring capacity, energy, and renewable energy credits (“RECs”) for Eligible Retail Customers for the period June 1, 2008 through May 31, 2009. Procurement responsibility then shifted to the IPA and the IPA’s Procurement Administrator to facilitate the procurement process from June 1, 2009 onward.

Continuing with the 2012 procurement, Under Section 16-111.5(d) of the PUA, the IPA filed a procurement plan with the Illinois Commerce Commission (“Commission”) on September 28, 2011. On December 21, 2011, the Commission approved the procurement plan with certain modifications.<sup>1</sup> Consistent with the requirements of the PUA, the procurement plan identifies the

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<sup>1</sup> 11-0660 (Illinois Power Agency – Petition for Approval of Procurement Plan) Order December 21, 2011.

**Illinois Power Agency  
Ameren Illinois Company  
Request for Proposals for Wholesale Energy Products**

portfolio of energy and power products to be procured. As Procurement Administrator for the 2012 procurement cycle, LAI is authorized to serve as the interface between Ameren Illinois Company and bidders. In issuing this RFP, LAI has the responsibility for managing the bidder pre-qualification and registration process, receiving and reviewing all bids, and submitting a confidential report to the Commission recommending acceptance or rejection of bids. The IPA Act and the PUA authorize the Procurement Monitor to monitor the interactions among the Procurement Administrator, suppliers and the utilities and to report to the Commission on progress of the procurement process. The Procurement Monitor also consults with the Procurement Administrator regarding the development and use of benchmark price criteria, standard form contracts, credit policies, and bid documents. Boston Pacific Company, Inc. is the Procurement Monitor for the 2012 procurement process.

### 3.0 Purpose and Scope

The IPA intends to procure energy on behalf of Ameren Illinois Company for the period June 1, 2012 through May 31, 2015, consistent with the Commission-approved procurement plan. The IPA will also solicit bids for capacity and renewable energy credits to serve eligible customer load through separate RFPs.

The products contemplated in this RFP are strictly limited to the purchase of electric energy for eligible customers. The selected bidders and Ameren Illinois Company will execute physical transactions through MISO, under which the supplier transfers energy to Ameren Illinois Company and the supplier is paid the fixed price bid accepted in the solicitation.

Pursuant to Section 16-111.5(k) of the PUA, Ameren Illinois Company executed a five-year financial swap agreement covering a portion of the energy to serve eligible load. This financial swap agreement will provide price certainty for 1,000 MW of around-the-clock (“ATC”) energy for the period of June 1, 2012 through December 31, 2012. Under the terms of this swap arrangement, Ameren Illinois Company will pay a fixed price in exchange for a floating price, the MISO day-ahead locational marginal price (LMP) at the Ameren Illinois Company Load Zone. Ameren Illinois Company procured a portion of the energy needed to serve eligible load for the period of June 1, 2012 through May 31, 2014 as a result of the 2010 and 2011 IPA procurements. Additionally, Rate Stability procurements were held in early 2012 to procure around-the clock energy for the period June 1, 2013 through December 31, 2017. The remainder of the energy to serve eligible load under the procurement plan will be covered by the physically-settled electric energy products solicited under this RFP.

#### 3.1 Product Definition

Ameren Illinois Company seeks to procure electric energy products for the following total contract quantities and terms during the period June 1, 2012

**Illinois Power Agency  
Ameren Illinois Company  
Request for Proposals for Wholesale Energy Products**

through May 31, 2015. These volumes differ from the final procurement plan due to load forecast updates and volumes procured through the 2012 Rate Stability procurement.

<b>Month</b>	<b>On-Peak Volume (MW) 2012/13</b>	<b>On-Peak Volume (MW) 2013/14</b>	<b>On-Peak Volume (MW) 2014/15</b>
June	250	0	0
July	250	0	0
August	50	0	0
September	50	0	0
October	0	0	0
November	0	0	0
December	100	0	0
January	0	0	0
February	0	0	0
March	0	0	0
April	0	0	0
May	0	0	0

<b>Month</b>	<b>Off-Peak Volume (MW) 2012/13</b>	<b>Off-Peak Volume (MW) 2013/14</b>	<b>Off-Peak Volume (MW) 2014/15</b>
June	150	0	0
July	100	0	0
August	0	0	0
September	0	0	0
October	0	0	0
November	0	0	0
December	0	0	0
January	400	0	0
February	350	0	0
March	0	0	0
April	0	0	0
May	0	0	0

The products to be procured are for physically-settled electric energy to be delivered to the Ameren Illinois Company Load Zone.

In addition to the individual monthly products, bidders will also have the option to submit combination products consisting of either on-peak or off-peak energy for specific groups of months. Bidders may bid up to the Maximum Bid Volume for each combination product (shown in the table below), which is determined by the lowest On- or Off-Peak Load Volume for the individual months listed in the

**Illinois Power Agency  
Ameren Illinois Company  
Request for Proposals for Wholesale Energy Products**

tables above. The combination products available to bidders are shown in the following table:

<b>Product</b>		<b>Maximum Bid Volume (MW)</b>
Jul-Aug 2012	On-Peak	50
Jan-Feb 2013	Off-Peak	350

**3.2 Bidding Requirements**

Bidders may offer bids for any or all of these monthly and combination products subject to the following restrictions:

1. Energy products shall be bid in whole MW amounts with a minimum bid quantity no less than 50 MW, in increments of 50 MW, up to a maximum bid quantity equal to the full volume for each product. Each 50-MW block may have a different price, or multiple blocks may be bid at the same price
2. Bidders may offer energy for all or some of the individual monthly energy products. For example, a bidder may offer 150 MW (3 blocks) for July 2012 On-Peak, 50 MW (1 block) for September 2012 On-Peak, and 100 MW (2 blocks) for January 2013 Off-Peak, and, and any of those blocks may be accepted or rejected.
3. Bidders may offer energy for all or some of the combination energy products, and any of those bids may be accepted or rejected
4. Bidders must specify a maximum willingness to supply for each month of the procurement period, which cannot exceed the maximum volume for a given month's on- or off-peak load as listed in the first two tables in section 3.1. By indicating a maximum willingness to supply for a given month's on- or off-peak load, the bidder is indicating that, in choosing among both individual monthly energy products and any relevant combination energy products, the procurement administrator may not select more than the bidder's specified maximum. Each block bid will be considered independently.

For example, a bidder may offer 100 MW (2 blocks) for July 2012 On-Peak and 50 MW (1 blocks) for Jul-Aug 2012 On-Peak. If the bidder specifies a maximum willingness to supply of 100 MW (2 blocks) for the month of July, the Procurement Administrator may select either the 2 blocks bid for July 2012 On-Peak, or one block for July 2012 On-Peak and one block for Jul-Aug 2012 On-Peak, but not more than the maximum willingness to supply for either July or August 2012. This example assumes that these blocks would be part of the winning solution; the Procurement Administrator may also determine that a supplier has won fewer blocks than their maximum willingness to supply for a particular month.

**Illinois Power Agency  
Ameren Illinois Company  
Request for Proposals for Wholesale Energy Products**

4.0 Other Requirements

4.1 Contract

Ameren Illinois Company expects to enter into binding contracts with the winning bidders. All product sales will be transacted under the Confirmation Agreement, a draft of which is included with this RFP as Attachment A. The terms and conditions specified in the draft Confirmation Agreement are designed to be consistent with the terms and conditions of the Edison Electric Institute Master Purchase and Sale Agreement.

Prospective bidders will be provided the opportunity to comment on the draft contract. Bidders should download the contract documents and submit comments with tracked changes in MSWord via email to [aiurfp@levitan.com](mailto:aiurfp@levitan.com). The contract comments will be reviewed by the Procurement Administrator, Procurement Monitor, Ameren Illinois Company, IPA and Commission Staff. Based on comments received from bidders during the Bidder Comment Period, the Procurement Administrator reserves the right to modify the terms of the Confirmation Agreement prior to the date when binding bids are due. Bidders must agree to the terms of the final contract in advance of submitting binding bids. The terms of the contract will not be subject to negotiation with the winning bidders.

4.2 Pre-Bid Letter of Credit

Each bidder will be required to provide a pre-bid irrevocable letter of credit (“ILOC”) in the form of Attachment B, to ensure that winning bidders whose bids are approved by the Commission execute contracts and deliver the awarded capacity products. In order to request modifications to the pre-bid ILOC, bidders should download the document and submit comments with tracked changes in MSWord via email to [aiurfp@levitan.com](mailto:aiurfp@levitan.com). The contract comments will be reviewed and all acceptable modifications will be posted to the procurement website for the use of all bidders on a rolling basis. Only those modifications to the form of the ILOC that are posted on the website will be accepted.

5.0 RFP Schedule and Procedure

5.1 Schedule

The following schedule and deadlines apply to this RFP. Subject to the provisions of the IPA Act, LAI reserves the right to revise this schedule at any time with the concurrence of the Procurement Monitor and the IPA. Announcements regarding any schedule revisions will be posted on the

**Illinois Power Agency  
Ameren Illinois Company  
Request for Proposals for Wholesale Energy Products**

RFP website at <http://www.levitan.com/AIURFP>.

<b>Activity</b>	<b>Date</b>
RFP Issued	March 14, 2011
Draft Contract Documents Issued	March 14, 2011
Optional Bidder Contract Comments Due	April 9, 2012, 12:00 noon CPT
Bidder Pre-Qualification Application Due	April 9, 2012, 12:00 noon CPT
Bid Participation Fee Due	April 9, 2012, 12:00 noon CPT
Pre-Qualification Notices Distributed	April 11, 2012
Bidder Registration Form and ILOC Due	April 19, 2012, 12:00 noon CPT
Final Contract Posted to Website	April 20, 2012
Bidder Practice Session	April 24, 2012
Binding Bids Due	April 26, 2012, 2:00 pm CPT
Preliminary Bidder Notifications	April 27, 2012
Procurement Administrator & Procurement Monitor Submit Reports to Commission	No later than April 30, 2012 <sup>2</sup>
Commission Ruling on Bidding Results	No later than May 2, 2012 <sup>3</sup>
Final Bidder Notifications	No later than May 2, 2012 <sup>4</sup>
Contracts Executed with Selected Suppliers	No later than May 7, 2012 <sup>5</sup>

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<sup>2</sup> Legislation allows the Procurement Administrator and Procurement Monitor two business days to submit their reports to the Commission.

<sup>3</sup> Legislation allows the Commission two business days after receipt of the Procurement Administrator and Procurement Monitor reports to accept or reject the recommendation of winning bids. As of RFP issuance, the Commission's calendar lists a Pre-Bench Session on May 1, 2012, and a Bench Session on May 2, 2012.

<sup>4</sup> Bidders will receive final notifications of the bidding results after the Commission ruling.

<sup>5</sup> Legislation allows Ameren Illinois Company three business days after the Commission ruling on the procurement results to execute contracts with winning bidders. The contract execution deadline will therefore depend on the date of the Commission ruling.



**Illinois Power Agency  
Ameren Illinois Company  
Request for Proposals for Wholesale Energy Products**

5.2 Communications

LAI's points of contact for this RFP are:

John Bitler,  
Vice President & Principal  
Office: 617-531-2818 x 22  
Email: [jrb@levitan.com](mailto:jrb@levitan.com)

Sara Wilmer  
Executive Consultant  
617-531-2818 x15  
[sw@levitan.com](mailto:sw@levitan.com)

Levitan & Associates, Inc.  
100 Summer Street, Suite 3200  
Boston, MA 02110  
Fax: 617-531-2826

All questions regarding this RFP must be submitted in writing to the procurement website at: <http://www.levitan.com/AIURFP>. *Questions should not be directed to Ameren Illinois Company.* Questions and responses will be posted on this website. All identifying information will be redacted from the questions and responses prior to posting.

The Binding Bid must be submitted through the secure procurement website at <http://www.levitan.com/AIURFP>.

5.3 Bidder Pre-Qualification Application

Bidders shall submit a complete Pre-Qualification Application by email to [aiurfp@levitan.com](mailto:aiurfp@levitan.com) or fax to 617-531-2826 (email is preferred) no later than 12:00 noon CPT on April 9, 2012. A non-refundable fee of \$500 (the "Bid Participation Fee") will be required from any bidder submitting a Pre-Qualification Application. Payment instructions for the Bid Participation Fee are posted to the procurement website. A bidder who has already paid the Bid Participation Fee for the Capacity RFP, RECs RFP, or in the Spring 2012 ComEd RFPs is not required to pay another Bid Participation Fee.<sup>6</sup>

The Pre-Qualification Application must contain the following information. All non-public information will be treated as confidential.

**Bidder's Information:** Provide name of company, address, and company representative (name, phone number, email address and fax number). Provide basic information on the bidder as requested, including a brief

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<sup>6</sup> Bid Participation Fees paid for the 2012 Rate Stability Procurements for Ameren Illinois Company or ComEd cannot be applied to the spring 2012 procurements.

**Illinois Power Agency  
Ameren Illinois Company  
Request for Proposals for Wholesale Energy Products**

description of experience in relevant energy markets. Describe any defaults or adverse situations as requested.

**Notice Information:** Provide information that can be used to complete contracts in the event that the bidder is awarded capacity as a result of this procurement.

**Agency Authorization:** A Bidder submitting a Proposal under an agency authorization (“Agency Agreement”) must identify the Principal or Principals in the Agency Agreement. A Bidder applying under an Agency Agreement must provide one copy of its Agency Agreement with its Pre-Qualification Application.

**Financial Information:** The Bidder or its parent company that is providing an unconditional corporate guarantee (“Guarantor”) must provide the following information indicating financial condition and evidence of creditworthiness.

- (a) Credit information must include the current senior unsecured long-term debt credit ratings from Standard & Poor’s, Moody’s, and Fitch, if available, or if not available, the current issuer of corporate credit ratings.
- (b) Financial information must include: (i) the most recent annual audited financial statements, including a balance sheet, income statement, statement of cash flows, all notes corresponding to those financial statements, and schedules – this requirement should be met by an SEC Form 10-K, if available; (ii) the most recent quarterly unaudited financial statements, including a balance sheet, income statement, statement of cash flows, all notes corresponding to those financial statements, and schedules – this requirement should be met by an SEC Form 10-Q, if available; and (iii) any SEC Form 8-Ks, or the equivalent, filed since the most recent quarterly financial statement.

If these financial statements are not available, the bidder shall provide substitute financial information that must include: (i) annual audited financial statements for the most recently completed fiscal year, including notes corresponding to the annual financial statements and schedules; (ii) the most recent quarterly unaudited financial statements, including notes corresponding to the quarterly financial statements and schedules; and (iii) any notifications from the company to investors or a government body regarding unscheduled material events affecting the company’s investors or the public, which were issued following the most recently completed fiscal year.

**Illinois Power Agency  
Ameren Illinois Company  
Request for Proposals for Wholesale Energy Products**

All substitute financial information should include an attestation from an authorized officer of the company that certifies the financial statements as accurate and complete, as well as an independent accountant's report that certifies those financial statements are free from material misstatement. Rejecting non-SEC financial reports is at the Procurement Administrator's discretion if the Procurement Administrator deems any non-SEC financial reports to be insufficiently supported.

(c) Prior to execution of the Confirmation Agreement referenced in this RFP, if there is any subsequent change in credit rating (including watch list actions), litigation, financial commitments, contingencies, or financial condition, a statement describing such material change must be submitted to LAI within 1 business day of occurrence. LAI will utilize this financial information to assess the creditworthiness of the bidder or its Guarantor, and calculate the collateral Threshold (set forth in Table A in Section 5.5) that will be in effect for the bidder.

**5.4 Requests for Additional Information from Bidders**

The Procurement Administrator may contact bidders to obtain additional clarification regarding the Pre-Qualification Application. All requests for information from the Procurement Administrator will be issued in writing, via email.

**5.5 Review of Bidder Pre-Qualification Application**

The Procurement Administrator and the Procurement Monitor will review the Pre-Qualification Applications submitted by prospective bidders to determine the completeness of the applications. The information provided will be used to pre-qualify prospective bidders. In order to be eligible for pre-qualification, a bidder must have paid all balances due to the IPA.

Bidders must meet specific creditworthiness criteria in order to be eligible for a positive collateral Threshold. Table A below illustrates the collateral Thresholds for different credit ratings. Each bidder and Guarantor will be granted a single credit limit to be applied across any Confirmation Agreement awarded as a result of this Energy RFP and all other Fixed Price Customer Supply Contracts (as defined in Attachment A) between the parties. Affiliated bidders will be limited to a maximum aggregate unsecured credit limit that equals the highest potential Threshold provided in Table A, *i.e.*, \$80 million.

The credit rating used for Table A will be the lowest senior unsecured long-term debt rating then assigned by Standard and Poor's Financial

**Illinois Power Agency  
Ameren Illinois Company  
Request for Proposals for Wholesale Energy Products**

Services LLC (a subsidiary of The McGraw Hill Companies, “S&P), Moody’s Investors Service, Inc. (“Moody’s), Fitch Ratings (a subsidiary of Fimalac, S.A., “Fitch”), or their respective successors. If such senior unsecured long-term debt rating is not available, then the rating then assigned as an issuer default rating by Fitch, or the issuer rating then assigned by Moody’s, or the issuer rating then assigned by S&P if such entity is a U.S. utility operating company with an investment grade rating, or the issuer rating then assigned by S&P, discounted one notch, if such entity is not a U.S. utility operating company with an investment grade rating; provided, however, that (a) in the event a Party is rated by all three rating agencies, then the lower of the two highest ratings will be used and (b) in the event the two highest ratings are common, such common rating will be used.

**Table A**

<b>Credit Rating</b>			<b>Threshold</b> (the lesser of the following)	
S&P	Moody’s	Fitch	Percent of Tangible Net Worth	Credit Cap
A- and above	A3 and above	A- and above	16%	\$80,000,000
BBB+	Baa1	BBB+	10%	\$60,000,000
BBB	Baa2	BBB	8%	\$40,000,000
BBB-	Baa3	BBB-	6%	\$20,000,000
Below BBB-	Below Baa3	Below BBB-	0%	\$0

**5.6 Bidder Registration**

Once the Procurement Administrator has completed its review of the Pre-Qualification Applications, bidders will be notified if they have or have not been pre-qualified, and, if they have been pre-qualified, they will also be notified of their stand-alone collateral threshold. Notification of pre-qualification will be issued no later than April 11, 2012. If a bidder satisfies the pre-qualification requirements, the bidder will then be required to provide Ameren Illinois Company with a pre-bid ILOC in the amount of \$250,000. The pre-bid ILOC must be in the form provided as Attachment B, with only those modifications that are posted as acceptable on the procurement websites. **Please note the required credit ratings for issuing banks stated in paragraph 14 of the pre-bid ILOC.** The pre-bid ILOC must be provided by 12:00 noon CPT on April 19, 2012 in order to satisfy the registration requirements. The pre-bid ILOC must

**Illinois Power Agency  
Ameren Illinois Company  
Request for Proposals for Wholesale Energy Products**

remain valid from April 19, 2012 through May 8, 2012.

In addition to providing the pre-bid ILOC, pre-qualified bidders will also be required to complete a Bidder Registration Form certifying that they are not part of a joint venture or participating in a bidding agreement with another bidder for the purposes of submitting a bid under this RFP, and that they will execute the Confirmation Agreement if selected as a winning bidder. The Bidder Registration Form can be downloaded from the procurement website, and must be submitted by 12:00 noon CPT on April 19, 2012.

**5.7 Supplier Fee**

The Illinois Power Agency has determined that a Supplier Fee will be charged to winning bidders in this procurement. The Supplier Fee is designed to cover the costs of administering the procurement process. Winning bidders will be required to submit a Supplier Fee Agreement following notification of award. The Supplier Fee Agreement is posted to the procurement website, additional information regarding the amount of the Supplier Fee will be made available prior to bidding.

**5.8 Binding Bids**

Registered bidders shall submit binding, firm and irrevocable bids for each product offered during the bidding window from 12:00 noon CPT to 2:00 pm CPT on April 26, 2012. Binding bids must be submitted on the form provided on the secure procurement website. Bids shall be priced in \$/MWh. Bids must be offered as sealed, binding commitments with pay-as-bid-settlement with a fixed price.

**5.9 Notification and Award**

In accordance with the IPA Act, the Procurement Administrator will evaluate the binding bids immediately after 2:00 pm CPT on April 26, 2012, and will submit a confidential report of the procurement and the bids recommended for selection to the Commission within two business days. As specified in Section 16-111.5(f), the Commission shall review the confidential report and shall accept or reject the recommendations of the Procurement Administrator within two business days after receipt of the report.

Preliminary notifications will be made to bidders on April 27, 2012. The Procurement Administrator will distribute final notifications to bidders immediately upon receiving notification of the Commission ruling. The successful bidders will be required to sign the Confirmation Agreement upon notification that they have been selected. The maximum time

**Illinois Power Agency  
Ameren Illinois Company  
Request for Proposals for Wholesale Energy Products**

between the close of bidding and the execution of the supply agreements, as specified by the PUA, is 7 business days, based on the following provisions: (a) The Procurement Administrator and the Procurement Monitor will submit separate confidential reports on the procurement results and recommendations to the Commission within 2 business days after opening the bids; (b) The Commission will review the reports and accept or reject the recommendations of the Procurement Administrator within 2 business days of after receipt of the reports. (c) Ameren Illinois Company will enter into binding contracts with the winning bidders within 3 business days after the Commission ruling on the results of the procurement.

5.10 Performance Assurance

Following execution of the Confirmation Agreements, if a Seller's collateral Threshold is less than the total aggregate credit exposure under each and every Fixed Price Customer Supply Contract to which Seller is a party, the Seller will be required to provide performance assurance in the form of a letter of credit or cash collateral. Such assurance would be equal to the positive difference, if any, between (a) the total aggregate credit exposure under each and every Fixed Price Customer Supply Contract to which Seller is a party, with such exposure to be calculated as per the applicable Confirmation Agreements and (b) the single collateral Threshold amount applicable to the Seller for the purposes of all the Fixed Price Customer Supply Contracts to which Seller is a party. Consistent with the provisions of section 5.5 herein, affiliates will be limited to a total collateral threshold of \$80 million, and guarantors will be limited to the limits shown in Table A.

6.0 Evaluation Process and Criteria

6.1 Evaluation of Binding Bids

Upon receipt of binding bids from Registered Bidders, the Procurement Administrator will evaluate the bids in accordance with the requirements specified in Section 16-111.5(e) of the PUA. Bids will be evaluated based on price to arrive at the lowest cost combination of bids that satisfy the energy product amounts, subject to price benchmarks. The Procurement Administrator, in consultation with Commission Staff, the Procurement Monitor, and the IPA, will establish market-based price benchmarks for the purposes of independently evaluating the bids received for each product. The benchmarks will be based on price data for similar products for the same procurement period and for the same market settlement point. The benchmarks will be considered confidential but will be subject to review and approval by the Commission prior to bidding. By submitting a binding bid, the bidder agrees to execute the Confirmation Agreement

**Illinois Power Agency  
Ameren Illinois Company  
Request for Proposals for Wholesale Energy Products**

upon award.

**6.2 Bids Not Subject to Subsequent Negotiation**

Illinois law grants procurement administrators the “discretion to negotiate to determine whether bidders are willing to lower the price of bids that meet the benchmarks approved by the Commission; [and further provides that] any post-bid negotiations with bidders shall be limited to price only and shall be completed within 24 hours after opening the sealed bids and shall be conducted in a fair and unbiased manner; [and further provides that] in conducting the negotiations, there shall be no disclosure of any information derived from proposals submitted by competing bidders; [and further provides that] if information is disclosed to any bidder, it shall be provided to all competing bidders.” (220 ILCS 5/16-111.5(c)(1)(vii)) Illinois law also requires the procurement administrator to “notify potential bidders that the procurement administrator may enter into a post-bid price negotiation with bidders that meet the applicable benchmarks.” (220 ILCS 5/16.111.5(e)(1)) **In accordance with this discretion, LAI has chosen NOT to engage in any post-bid price negotiations as a part of this RFP.**

**6.3 Binding Bids**

All bids must remain open, firm and binding until 5:00 pm CPT on May 2, 2012, or until the Commission has ruled on the results of the procurement event.

Those bids that are identified as winning bids following the Commission’s approval of the procurement event must remain open, firm and binding until May 7, 2012, or until the bidder has executed the Confirmation Agreement with Ameren Illinois Company, whichever comes first.

**7.0 Confidentiality**

Except for bidder’s questions on the RFP, all information provided to the Procurement Administrator by email or through the secure procurement website will be considered confidential. The Procurement Administrator will take reasonable precautions and use reasonable efforts to maintain the confidentiality of all Bidder Pre-Qualification Applications and Binding Bids submitted. Bidders should be aware that, in addition to employees of the Procurement Administrator, the Procurement Monitor will have concurrent access to all procurement information. The Procurement Monitor is under contract with the Commission, and has pledged to protect all confidential information to which the Procurement Monitor has access during this RFP. The Commission will also receive confidential reports from the Procurement Administrator and from the Procurement Monitor, which may contain confidential information submitted by

**Illinois Power Agency  
Ameren Illinois Company  
Request for Proposals for Wholesale Energy Products**

bidders. The winning bidders and the load weighted average of the winning bid prices for each product will be announced publicly after the Commission rules on the RFP results and the Procurement Administrator's recommendations. In addition, the Commission determined that the product volumes awarded for each contract type and for each contract term will be publicly disclosed after a Commission vote accepting the Procurement Administrator's recommendation to accept certain bids, provided there are at least three winning bidders in the entire procurement event.

Prior to the selection of winning bids, bidders will be prohibited from (i) disclosing any information about their bids to other parties and (ii) receiving information about competing bids from other parties. No party will disclose the terms or conditions of such agreements, except (i) to those persons who have a need to know and have agreed to keep such information confidential, and (ii) to comply with any applicable law, rule, regulation, tariff, or court order, consistent with PUA section 16-111.5(h).



**Illinois Power Agency  
Ameren Illinois Company  
Request for Proposals for Wholesale Energy Products**

**ATTACHMENT A – Confirmation Agreement**

**Illinois Power Agency  
Ameren Illinois Company  
Request for Proposals for Wholesale Energy Products**

**ATTACHMENT B – Form of Irrevocable Pre-Bid Letter of Credit**