



**Advancing Commonwealth Energy Storage (ACES) Program
Request for Proposals**

RFP FY2017-ACES-01

Release Date: March 9, 2017

Applications Due: June 9, 2017

Total Funding Available: \$10,000,000

Award Range: \$100,000 to \$1,250,000

1. PROGRAM SUMMARY AND GOALS

The Massachusetts Clean Energy Center (“MassCEC”) seeks applications under the Commonwealth’s Energy Storage Initiative for energy storage demonstration projects **that pilot innovative, broadly replicable energy storage use cases/business models¹ with multiple value streams in order to prime Massachusetts for increased commercialization and deployment of storage technologies.** Successful applicants will propose projects that showcase examples of future storage deployment in Massachusetts, help to grow the state’s energy storage economy, and contribute to Massachusetts’ continued clean energy innovation leadership.

2. BACKGROUND

In 2015, the Baker-Polito Administration announced a two-phase, \$10 million dollar [Energy Storage Initiative](#) (“ESI”). The ESI aims to advance the energy storage segment of the Massachusetts clean energy industry by expanding storage technology markets, assigning value to storage benefits, accelerating the development of storage technologies, and attracting and supporting energy storage companies throughout the Commonwealth.

In the first phase of this initiative, MassCEC partnered with Department of Energy Resources (DOER) on an [Energy Storage Study](#) (“*State of Charge*” or the “Study”) to obtain a broad view of energy storage technologies that will inform future policy and programs. The Study provided insights into Massachusetts-specific context and regional context to advance energy storage interests in the Commonwealth based on analysis of grid conditions in Massachusetts and lessons from other states. The Study also identified a number of energy storage application use cases based upon modeling results and stakeholder feedback². These use cases may inform business models applicable to energy storage installations in Massachusetts. More information on the study and stakeholder engagement efforts conducted to date can be found on [MassCEC’s website](#).

In the next phase, energy storage demonstration projects will be solicited through this Advancing Commonwealth Energy Storage (“ACES”) Request for Proposals (the “RFP”), with the design of this RFP informed by recommendations

¹ See *State of Charge* pp. 105-132 for more details

² Stakeholders, including utilities, ISO-NE, competitive suppliers, policymakers, regulators, and manufacturers of storage technologies, contributed to the understanding of the issues.

from the Study. This RFP aims to fulfill the Administration's commitment to promote energy storage across the Commonwealth.

In addition to the ESI, recent utility grid modernization plans (required by the Department of Public Utilities ("DPU") under order DPU 12-76-B) include storage components, and, in response to An Act to Promote Energy Diversity, Bill H.4568 (the "Energy Diversity Bill"), DOER will set targets for electric companies to procure energy storage.

Energy storage systems encompass technologies that store electrical energy or thermal energy and produce electricity or heating/cooling respectively when needed, as defined in the Energy Diversity Bill. Potential benefits of energy storage applications¹ include reducing grid and customer costs, integrating renewable energy within the electric grid, reducing congestion and relieving peak usage demands on the grid, reducing transmission and distribution costs, and increasing energy resilience in the event of natural disasters. In addition, energy storage can serve as a key flexible resource in addressing the Commonwealth's energy challenges such as replacing retiring capacity, meeting the Global Warming Solutions Act (Chapter 298 of the Acts of 2008) requirements and greenhouse gas emissions targets, reducing customer costs, and modernizing the grid.

This RFP was created in partnership with DOER and with support from the U.S. Department of Energy Office of Electricity, Clean Energy States Alliance, and Sandia National Labs.

3. AWARD OVERVIEW

MassCEC anticipates making approximately 10-15 awards under this RFP. Awards will cover up to 50% of total project costs up to a maximum grant award of \$1,250,000. Applicants must provide a minimum of 50% project cost share. Individual awards may vary between \$100,000 and \$1,250,000 depending on the project size and use case demonstrated.

Projects awarded under the ACES Program must be commissioned, interconnected, and able to provide operational data within 18 months of contracting with MassCEC.

MassCEC anticipates awarding at least half of total grant funds to projects partnered with electric distribution companies.

MassCEC and DOER will retain technical support services to evaluate and verify the value of the storage system's realized and non-monetizable benefits as reported by the awardee ("Awardee").

4. ELIGIBILITY AND SELECTION CRITERIA

Under the ACES Program, MassCEC seeks to catalyze opportunities for eligible applicants ("Applicants") to design, deploy, and prove out energy storage business models. Projects may include distribution-scale or behind-the-meter projects. MassCEC encourages projects located in investor-owned utility and municipal light and power service territories. Awards are anticipated to be spread across multiple use cases, with a majority of funds anticipated to be awarded to distribution-scale projects. Use cases ineligible to receive ACES funding are indicated below under "Ineligible Applicants."

Proposed project applications ("Applications") must clearly articulate the following:

1. A clear and innovative business model designed to successfully showcase the commercial value, both monetizable and non-monetizable, of energy storage in light of the specific local energy challenges and opportunities in Massachusetts and that demonstrates one or more of the storage use cases identified in *State of Charge*, or another broadly applicable and replicable use case.

2. An energy storage technology and brief statement of multiple (preference will be given to three or more) applications and anticipated benefits/value streams to ratepayers, the local utility, and/or the bulk power system (wherever possible, benefits should be quantified).
3. Market, regulatory, or other barriers to monetization of benefits and, consequently, barriers to commercial financing.

ELIGIBLE APPLICANTS

Applicants are expected to form teams comprised of several entities (the “Application Team”), which will work together on the demonstration project, with one entity designated as the lead (the “Lead Applicant”). The Lead Applicant will contract directly with MassCEC. Application Teams may include public and private entities (e.g., clean energy companies, research and development institutions, academic institutions, public institutions in the Commonwealth, and nonprofits) and are encouraged to include the relevant local utility. Applicants may utilize the [results of the Expression of Interest](#) for team formation.

Entities may submit more than one Application and be part of more than one Application Team.

Other eligibility criteria are as follows:

1. A site or sites in Massachusetts where the demonstration will take place, e.g., a company/organization that will host the storage demonstration (the demonstration host site **must** be located in Massachusetts, though Application Team member(s) may be located outside Massachusetts);
2. Projects with a range of technologies (as defined in the Energy Diversity Bill) and applications are encouraged to apply;
3. Energy storage technology must be UL-listed or certified by another nationally recognized testing lab at the system component level and meet all appropriate and applicable codes and certifications at the whole system level³;
4. Application Team must demonstrate that they have secured the required cost share of **at least 50% of the total project budget**;
5. Electric energy storage projects/systems must be grid connected;
6. Application Team must provide the following relevant project interconnection pre-application materials:
 - a. the Pre-Application Report resulting from the utility interconnection tariff (where applicable if served by an IOU)⁴, or
 - b. Include an explanation if a pre-application is not relevant to a proposal;
7. Project must be designed and installed with applicable federal, state and local regulations governing the built environment and permitted, inspected and approved by the applicable authorities having jurisdiction;
8. Project/system may include complementary technologies such as solar photovoltaics, demand management, wind, etc.; however, only the cost of the storage system will be considered eligible for grant funding;
9. Project must be commissioned, interconnected, and able to provide operational data within 18 months of contract effective date;
10. A member of the Application Team must have site control, established by ownership or strong option for purchase, lease, or service agreement; and
11. Project must show readiness to proceed, including identification of relevant permitting processes.

³ Projects must comply with most current codes and standards at time of project commissioning; anticipated codes include the 2018 IFC, 2017 NEC, 2018 NFPA 1 and the new UL 9540 and NFPA 855 standards. Review all relevant [Codes, Standards, and Regulations \(CSR\)](#) and [Inventory of Safety-related Codes and Standards for Energy Storage Systems](#).

⁴ See the [Massachusetts DG and Interconnection website](#) for copies of the proper utility interconnection tariff.

SELECTION CRITERIA

In addition to the above minimum eligibility criteria, MassCEC will evaluate Applications competitively on the following primary criteria and secondary criteria:

Primary Selection Criteria	
Category	Criteria
Key Characteristics	<ol style="list-style-type: none"> 1. Diversity of customer benefits, both monetizable and non-monetizable, including revenue streams and other economic benefits 2. System benefits, both monetizable and non-monetizable, including peak load reduction, renewables integration, reliability and power quality, and GHG reduction 3. Diversity of use cases (among awarded projects)
Technical Feasibility	<ol style="list-style-type: none"> 1. Diversity of technologies employed (among awarded projects) 2. Minimum 65% round trip efficiency 3. Replicability if/upon demonstration success
Financial Feasibility	<ol style="list-style-type: none"> 1. Thoroughness of Project Pro Forma (Attachment F), illustrating initial costs plus cash flows through project life 2. Amount of energy storage capacity (kW and kWh) per dollar of funding requested
Plans and Team	<ol style="list-style-type: none"> 1. Thoroughness of 1-page Project Workplan (Attachment D) of expected project milestones which shall track and demonstrate project installation progress and operational performance 2. Thoroughness of safety plan (see Project Workplan, Attachment D), including a comprehensive list of standards and certifications with which the system will comply 3. Application Team includes relevant local utility 4. Past performance/competencies (including experience with interconnection) of Application Team members

<p>Non-Monetizable Benefits</p>	<ol style="list-style-type: none"> 1. Customer, utility, and/or ISO-level benefits that do not currently have revenue streams or those that face market barriers 2. Quality of and cost-effectiveness of the plan for demonstrating non-monetizable benefits (Attachment C), demonstrated for a specified amount of time, and documentation from the relevant authority (Table 1) that the benefits were successfully demonstrated
<p>Secondary Selection Criteria</p>	
<p>Category</p>	<p>Criteria</p>
<p>Quality of Application</p>	<ol style="list-style-type: none"> 1. This includes completeness, quality, and level of detail of Application
<p>Value Demonstration</p>	<ol style="list-style-type: none"> 1. Ability to complete the project earlier than the 18 month maximum timeline to commission, interconnect, and provide operational data 2. Number/diversity of project benefits within each proposed project 3. Cost share contribution (exceeding mandatory 50% minimum project cost share) 4. Identification of potential risks to completion and how those risks will be mitigated

INELIGIBLE APPLICANTS

Program ineligibility:

Applicants are ineligible to receive funding from multiple state programs to support storage system deployment costs associated with the same project. Projects awarded funding under the following DOER programs are ineligible to receive funding under the ACES Program:

- Community Clean Energy Resiliency Initiative (PON-ENE-2014-036) projects which proceeded with implementation
- Peak Demand Management Program (PON-ENE-2017-001) projects which proceeded with implementation

Projects awarded under the ACES Program may be ineligible for future funding opportunities offered by MassCEC and/or DOER.

Applicants who apply and are awarded for the ACES technical support services RFP are ineligible to participate as any team member or receive funding under this Program.

Use case ineligibility:

Energy storage systems deployed in the following use cases are ineligible to receive funding under the ACES Program:

- Residential (1-4 family) storage located behind-the-meter (unless aggregated >100 kW and centrally coordinated)

5. PROJECT COMPLETION REQUIREMENTS

The Application shall specify the project milestones which will track and demonstrate project installation progress and operational performance.

Applicants should note that following approvals (from authorities having jurisdiction, *i.e.* local building codes, first responders, and other permitting entities) and commissioning, each project shall undergo a field visit to verify that the system is installed as represented in the grant agreement, is operational, is interconnected, is able to provide operational data, and conforms to the eligibility criteria of the ACES Program. The metering system will be inspected and will be verified that it follows the proposed monitoring plan and meets the metering requirements of the ACES Program. Site safety and security standards are required where relevant. If the project involves an energy storage system coupled with a generation resource, the electrical coupling of the two systems will be verified.

Projects will track both realized benefits to the system owner/developer and net benefits to ratepayers, and will provide necessary data (specified below), including distribution system benefits that may not currently be monetizable due to market barriers. MassCEC and DOER will retain technical support services to evaluate and verify the value of the storage system's realized and non-monetizable benefits as reported by the Awardee.

The final milestone for all projects will be the completion of a final report whose topics may include, but will not be limited to: the project's overall execution, findings, challenges and solutions, and intended next steps. The aforementioned requirements shall be reflected in the grant agreement between MassCEC and the Awardee.

PROJECT METERING REQUIREMENTS

Project shall gather and report, at minimum granularity, 15-minute interval data (unless good cause for longer interval data is presented) to MassCEC for at least 3 years from the time the project is installed and operating. Projects must remain at the installed site for a minimum of 3 years. The data shall be capable of being accessed remotely by either MassCEC or its assigned representative. There shall also be a minimum of 30-day onsite data storage to cover any event where the remote access is disabled. Reports will be required, at minimum, quarterly for the first year of system operation and annually for the remainder of the reporting period.

MONITORING OF NON-MONETIZABLE BENEFITS

Many potential benefits of storage are not currently monetizable/revenue-generating in Massachusetts due to market barriers. However, MassCEC is interested in evaluating the potential impact of these benefits to the storage owner and ratepayers. In order to quantify a range of benefits, all awarded projects will be required to provide size of system, charging and discharging data, 15-minute state of charge data, and a description of the benefit provided in project deliverables as relevant.

Applicants are required to provide an operation and test plan in the Project Narrative (Attachment C) to monitor and/or demonstrate the non-monetizable benefits that will, or could be, given the appropriate market conditions, realized by the proposed project. Information contained in the plan should include, but is not limited to:

1. A brief description of the benefit;
2. Barriers to monetization of the benefit;
3. An itemization of the hardware (device controller), and/or software necessary to demonstrate the non-monetizable benefit (where relevant);
4. Energy consumption data and/or energy storage system charge/discharge data needs necessary to demonstrate the benefit;
5. Market, utility or other data necessary to demonstrate the benefit;

6. Communications infrastructure and signals necessary to request the service;
7. Costs associated with demonstrating non-monetizable benefits (if applicable); and
8. Revenue gaps and/or lost opportunity costs.

Applicants should consider that specialized data may be required to support and validate the non-monetizable benefits.

In addition to the test plan, Applicants are required to explain why their system will, or could, given the appropriate market conditions, provide non-monetizable benefits⁵. These claims will be verified over the life of the project by the technical support services consultant. As applicable for each non-monetizable benefit to be pursued, Applicants should provide the following information:

1. Added cost incurred by demonstration
2. For resilience, population size and duration supported and if benefit supported a critical facility
3. Evidence of avoided costs
4. Overall peak reduction (kW reduced)
5. CO₂ equivalence
6. Context of demonstrated benefit, including time of benefit, grid conditions, etc.

Applicants are encouraged to provide additional documentation from relevant authorities to support claims that the system will provide certain non-monetizable benefits. Entities which may be able to provide such verification, include, for example:

- the utility (for benefits such as increased renewable integration, resilience, T&D cost reduction, reduced peak)
- the relevant generator (for benefits such as wholesale market cost reduction and reduced peak)
- the local fire or police department or town official (for benefits such as resilience)
- the developer or end user (for benefits such as increased renewable integration)

This additional documentation does not count against the page limit for the Project Narrative (Attachment C). Table 1, below, summarizes a number of the non-monetizable benefits explored in the *State of Charge* report. MassCEC encourages the submission of additional non-monetizable benefits not listed.

Table 1: Non-Monetizable Benefits

Benefit Categories	Benefit Description
Wholesale Market Cost Reduction	Energy storage can be a flexible and rapid tool that helps generators operate more efficiently through: 1) less wear and tear, 2) less start up and shut down costs, and 3) reduced GHG emissions
Ancillary Services Cost Reduction	Energy storage would reduce the overall costs of ancillary services required by the grid system through: 1) frequency regulation, 2) spinning reserve, and 3) voltage stabilization
Energy Cost Reduction	Energy storage replaces the use of inefficient generators at peak times causing: 1) reduced peak prices which 2) reduces the overall energy price. This also benefits the natural gas supply infrastructure.
Transmission & Distribution Cost Reduction	Energy storage: 1) reduces the losses and maintenance of system, 2) provides reactive power support, 3) increases resilience, and 4) defers investment
Increased Renewable Integration	Energy storage reduces cost in integrating renewable energy by: 1) addressing reverse power flow and 2) avoiding feeder upgrades
Reduced Peak	Energy storage can provide peaking capacity to: 1) defer the capital costs of peaker plants and 2) reduce costs in the capacity market

⁵ As described in *State of Charge* Chapter 4.

6. GRANT PAYMENT PROCESS AND PROJECT BUDGET

Awardees may be eligible to receive a portion of the grant upon completion of the first project milestone, with the remainder of the funds paid to Awardees on a milestone basis to be laid out in the Project Workplan.

It is MassCEC's policy not to compensate for general administration, overhead, or general purpose expenses including general purpose materials or facilities. To qualify for inclusion in the project budget or use as cost share, an expense must:

- Be uniquely associated with the storage component of the proposed project
- Be justified as to why it is a necessary and reasonable part of the project
- Be incurred after the execution of an agreement with MassCEC

If, after 18 months from the award effective date, the project has not been built and/or is not operational, the Award may be reduced or rescinded at MassCEC's sole discretion. Up to one term extension may be granted to account for project delays beyond the Awardee's control, including delays associated with permitting and utility interconnection, as applicable. Term extension requests will be evaluated on a case-by-case basis. Waiver of this provision shall be at MassCEC's sole discretion.

MILESTONES & DELIVERABLES

The table below describes the minimum project milestones and deliverables required under the ACES Program. All dates are in reference to the contract effective date. Award payments, to be negotiated in the contract, will be allocated to milestones throughout the life of the project and will be made upon MassCEC's receipt and approval of milestone deliverables and invoices. The order of milestones listed in the table may be modified in contract negotiation.

Milestone	Deliverable	Deadline
1. Project kickoff meeting	N/A	1 month
2. Construction plan	One-line diagram, stamped by a PE	TBD in contracting phase
3. Interconnection application	Finalized application and evidence of submission	TBD in contracting phase
4. Receipt of interconnection agreement	Interconnection agreement; updated project budget; financing certification statement	TBD in contracting phase
5. Equipment ordered	Invoices from equipment purchase	TBD in contracting phase
6. Construction/installation completion	Commissioning report indicating readiness to operate; approval to interconnect; report on installation process etc.	TBD in contracting phase
7. Data Acquisition system installed and operational with 30 days on-site data storage	Data acquisition verified and signed off by a third party retained by MassCEC	TBD in contracting phase
8. Commissioning complete	Test plans reviewed and signed off by a third party retained by MassCEC; commissioning and testing of the proposed applications completed; signed off and report issued	TBD in contracting phase

9. Reporting	Operational reports	Quarterly through first year of operation; annually through remainder of reporting period
10. Final report	Summary of project outcomes; recommendations for increasing commercial success for future projects. Details to be finalized in contracting.	At end of data collection period

COST SHARE REQUIREMENT

Applicants must provide project cost share in an amount equal to at least 50% of the total project budget.

Applicants can propose both cash and in-kind contributions to meet their cost-share budget. Cash cost share is where an actual cash transaction occurs which can be documented in the accounting system. Examples of cash cost share payments for the purposes of this RFP include, but are not limited to:

- Payment for materials or equipment directly related to the demonstration project
- Payment for services provided by contractors and consultants on the demonstration project (for monitoring or to assist in installation/maintenance for example)

A cash cost share may not be contributed by another federal or state government entity unless they are a part of the Application Team.

ELIGIBLE BUDGET ITEMS

Each budget item must be justified as to why it is necessary for the project. **The following items may be included in the budget:**

- **Transport:** e.g., transporting a key piece of equipment; Application should document why transportation is required for the project.
- **Materials, Equipment, Facilities and Supplies:** The energy storage system equipment should be new. May include parts and equipment supplied to selected Applicants as part of a lump-sum contract.
- **Fees:** Costs related to permit applications, interconnection applications, or utility-required studies
- **Direct Labor:** Direct Labor includes work directly related to the ACES project, performed by employees of the Lead Applicant and of any organizations on the Application Team, including owners of such companies. The value of the Direct Labor may include only gross wages, Employers Responsibility Federal Insurance Contributions Act (ER FICA) taxes, Employers' Responsibility Medicare taxes, State Unemployment Insurance (SUI), and Federal Unemployment Tax Act (FUTA) taxes. Hourly rates should not include fringe benefits, other overhead expenses, or a profit margin.
- **Related Party Labor:** A Related Party is an entity that shares any common ownership with the Application Team. MassCEC must approve the use of any Related Party in writing prior to Awardee using MassCEC funds to pay for the expenses associated with such Related Party.

The following items are not considered allowable expenses for purposes of the project budget:

- Non-energy storage distributed generation resources (these may be included as part of the project, but associated costs are not eligible budget items).
- Real estate purchases and related expenses.

- Administrative Expenses (e.g., postage, printing, administrative staff).
- Overhead (including, but not limited to, telephone, electricity, rent for office/lab space) or profit.
- Mark-Ups (either on invoices from Awardee or invoices paid by Awardee for consultants hired by them).
- Telephone/Cell Phone.
- Fringe benefits (including but not limited to health insurance, 401K plans or similar or other staff benefits).
- Travel and meals.

7. HOW TO APPLY AND REQUIRED APPLICATION COMPONENTS

The Lead Applicant will submit the Application prepared by the Application Team.

Applicants may be required to interview with a review panel. Only those Applications deemed strongest by reviewers will be invited for an interview.

Applicants must also include the following attachments and Application documents (please see attachment templates contained in the RFP packet):

- **Attachment A: Application Cover Sheet (includes Statement of Other Funding Sources)**
- **Attachment B: Authorized Applicant's Signature and Acceptance Form**
- **Attachment C: Project Narrative**
- **Attachment D: Project Workplan.** Using the Project Workplan Template in Attachment D, the Applicant must briefly describe the key tasks and milestones, responsible parties, and timeline of the proposed demonstration project, including a proposed plan and schedule for operation and monitoring to obtain the required performance data.
- **Attachment E: Project Budget.** The Applicant must include an estimated budget, following the format provided and indicating total cost, total match (50% minimum of total cost), and requested MassCEC contribution. The maximum grant Award for any one demonstration project is \$1,250,000.
- **Attachment F: Project Pro Forma**
- **Attachment G: Signed Letters of Intent.** A signed Letter of Intent shall serve as the application cooperation agreement indicating that, if awarded, the Application Team has agreed to work together to implement and manage the proposed project. This letter must be signed by each participating organization and must lay out each team member's roles and responsibilities.
- **OEM-provided storage technology key components spec sheet(s)**
- **Interconnection pre-application report from utility.** The Pre-Application Report resulting from the utility interconnection tariff (where applicable if served by an IOU, or a brief explanation of why not necessary).⁴ If project is in an MLP territory that does not have a pre-application process, Applicant should provide copy of notification to the MLP stating the Applicant's intent to interconnect and any response from the MLP.
- **Relevant verification documentation:** If demonstrating non-monetizable benefits, provide documentation specified in Section 5.

SUBMITTING APPLICATION MATERIALS

It is the sole responsibility of the Lead Applicant to ensure that this Application is complete and properly submitted, including all necessary attachments, letters or other supporting documentation. At its sole discretion, MassCEC may request supplemental materials from the Applicant and such materials must be submitted within 10 days of the request or the Application may be rejected without further review.

The completed Application including all required documentation must be submitted to energystorage@masscec.com. “ACES Program Application” must appear in the email subject line.

Completed Applications must be received no later than June 9th, 2017, at 4:00pm EST.

QUESTIONS AND WEBINAR

Please submit all questions via email to energystorage@masscec.com. “ACES Application Question” should appear in the subject line. Please submit questions by April 28th, 2017. Answers will be posted publicly to the ACES Program webpage on a regular basis.

MassCEC and DOER will host an informational webinar on the ACES Program on April 5th, 2017⁶. Questions submitted in advance will be answered during the webinar.

ESTIMATED TIMELINE

The estimated timeline below is subject to change at DOER’s and MassCEC’s discretion.

Solicitation Released	Thursday, March 9, 2017
Informational Webinar	Wednesday, April 5, 2017
Deadline for Written Questions	Friday, April 28, 2017
Applications Due	Friday, June 9, 2017
Grant Award Notifications	Friday, September 8, 2017
Contracting Process Begins	Within 1 month of award notification
Project Installed	Within 18 months of contracting
Project Performance Monitoring Period Ends	Three years from start of operation

GENERAL REQUEST FOR PROPOSALS CONDITIONS

8. NOTICE OF PUBLIC DISCLOSURE AND OPEN CHECKBOOK

General Statement

As a public entity, MassCEC is subject to Massachusetts’ Public Records Law, codified at Chapter 66 of the Massachusetts General Laws. Thus, any documentary material, data, or other information received by MassCEC from an applicant is a public record subject to disclosure. Materials that fall under certain categories, however, may be exempt from public disclosure under a statutory or common law exemption, including the limited exemption at Massachusetts General Laws Chapter 23J, Section 2(k) regarding confidential information submitted to MassCEC by a respondent for any form of assistance. MassCEC will hold any information provided by Applicant hereunder in confidence if any such information falls within the limited exemption at Massachusetts General Laws Chapter 23J, Section 2(k), as determined by MassCEC. Proprietary information submitted as part of Attachment F (Project Pro Forma) (including trade secrets and/or financial information described therein) will be kept confidential pursuant to MGL chapter 23J, Section 2(k). All other information will be subject to public disclosure. All confidentiality claims are subject to verification by MassCEC. **Applicants to this RFP agree and acknowledge that it shall not send MassCEC any confidential or sensitive information.** Please note that contractor/consultant rates are generally considered to be part of the Public Record.

⁶ See the [ACES webpage](#) for more details.

Applicant agrees and acknowledges that MassCEC shall have the right to disclose the name of an Awardee, the amount of the payment under an agreement and any other information it may deem reasonably necessary on Open Checkbook, the Commonwealth of Massachusetts' online database of state spending.

9. CONTRACTUAL REQUIREMENTS

Upon MassCEC's authorization to proceed with the proposal, MassCEC and each selected Lead Applicant will execute a contract which will set forth the respective roles and responsibilities of the parties. In addition, the contract to be entered into between MassCEC and a selected Lead Applicant will address maintaining the confidentiality of any proprietary information that the Lead Applicant may provide MassCEC, subject in all cases to the same limitations set forth in Section 8 above.

10. WAIVER AUTHORITY

MassCEC reserves the right, at its sole discretion, to waive minor irregularities in submittal requirements, to modify the anticipated timeline, to request modifications of the Application, to accept or reject any or all Applications received, and/or to cancel all or part of this RFP at any time prior to awards.

11. DISCLAIMER

This RFP does not commit MassCEC to award any funds, pay any costs incurred in preparing an Application, or procure or contract for services or supplies. MassCEC reserves the right to accept or reject any or all Applications received, negotiate with all qualified Applicants, cancel or modify the RFP in part or in its entirety, or change the application guidelines, when it is in its best interests.

This RFP has been distributed electronically using MassCEC's website. It is the responsibility of Applicants to check the website for any addenda or modifications to a RFP to which they intend to respond. MassCEC accepts no liability and will provide no accommodation to Applicants who submit an Application based on an out-of-date RFP document.