



Request for Proposals
2020-07-M



Alternative Retail
Electric Supplier
(ARES)

Metropolitan Pier and Exposition
Authority (MPEA)



Issued March 20, 2020

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I. DEFINITIONS AND INTERPRETATIONS

DEFINITIONS

The following terms in this Solicitation shall be defined as follows:

"Agreement" or "Contract" means the Master Electric Sales Agreement that is to be entered into between the Authority and the selected Proposer pursuant to this RFP.

"Alternative Retail Electric Supplier" or "ARES" means a company certified to provide electric power and energy as defined in Section 16-102 of the Illinois Public Utilities Act, 220 ILCS 5/2 et seq.

"Authority" means the Metropolitan Pier and Exposition Authority.

"ComEd" means Commonwealth Edison Company.

"Deregulation" means the deregulation of electric energy generation in the State of Illinois, as set forth in Illinois 220 ILCS 5/16-101 *et seq.*

"Include" Whenever the term "include" (in any of its forms) is used, it means "include, without limitation."

"ISO" refers to an Independent System Operator

"Laws" means City, State and Federal statutes, ordinances, codes, rules and regulations.

"MBE" means Minority Owned Business Enterprise

"MPEA" means Metropolitan Pier and Exposition Authority

"NPI" means Navy Pier, Inc.

"PJM" means PJM Interconnection LLC, a regional transmission organization ("RTO") serving Illinois

"Proposal" means all materials submitted in response to this RFP.

"Proposer" or "Provider" or "Respondent" means the firm(s), individual(s), corporation(s), partnership(s) and joint venture(s) that are found qualified to submit Proposals for Alternative Retail Electric Supplier pursuant to this RFP.

"Responsive" Responsiveness is determined by the Authority and relates to compliance with the provisions of the solicitation, including specifications, and contractual terms and conditions. Absolute or precise conformity is not required. The rule is that conformity in material respects, that is, substantial compliance suffices. The Authority reserves the right to reject any Proposal that it deems materially non-responsive.

"Responsible" Responsibility is determined by the Authority and relates primarily to the ability of a Proposer/Bidder to successfully carry out a proposed contract, and whether the Proposer/Bidder has the character, reputation, and integrity to receive an award. The Authority may determine in its sole discretion that a Proposer/Bidder, otherwise able to perform, who has been convicted of a felony, or violation of the public procurement requirements of any federal or state governmental entity, is not responsible and therefore disqualified from the RFP process. Other considerations bearing on a determination of responsibility can include experience, past performance, business and financial capabilities, skills, technical organization and reliability. Some of the mechanisms available to measure a Proposer's/Bidder's responsibility are the utilization of reference checks, vendor performance on previous contracts and availability of financial credit information.

"RFP" means this Request for Proposals, including all Exhibits and addenda.

"Selected Proposer" or **"Successful Proposer"** or **"Successful Contractor"** means the Proposer selected for award of an Agreement.

"Services" or **"Work"** means the provision of all electrical power and energy under Commonwealth Edison ("ComEd") direct access tariffs, as approved by the Illinois Commerce Commission and related services which the Authority purchases from the qualified Proposer, including all tasks reasonably necessary to supply that electricity.

"Trade Reference" means a reference concerning the creditworthiness of the Proposer given by another business that extends credit to the Proposer, such as a supplier.

"WBE" means Women Owned Business Enterprise

INTERPRETATIONS

- A. Any headings in this RFP are for convenience of reference only and do not define, limit, control or affect the meaning of the RFP's provisions. In this RFP, unless the context otherwise requires, the terms "hereby," "herein," "hereof," "hereto," "hereunder" and any similar terms used in this RFP refer to this RFP. All section references, unless otherwise expressly indicated, are to sections of this RFP. Words of any gender shall be deemed and construed to include correlative words of the other genders. Words indicating the singular number shall include the plural number and vice versa, unless the context shall otherwise indicate. All references to any exhibit or document shall be deemed to include all supplements and/or amendments to any such exhibits or documents entered into in accordance with the terms and conditions of this RFP and such documents. All references to any person or entity shall be deemed to include any person or entity succeeding to the rights, duties, and obligations of such persons or entities in accordance with the terms and conditions of this RFP.
- B. Unless a contrary meaning is specifically noted elsewhere, the words "as required," "as directed," "as permitted" and similar words used in the RFP mean that requirements, directions of and permission of MPEA are intended; similarly, the words "approved," "acceptable," "satisfactory" or words of like import mean "approved by," "acceptable to" or "satisfactory to" MPEA. Words "necessary," "proper" or words of like import as used with respect to extent, conduct or character of Services specified shall mean that the Services must be conducted in a manner or be of character which is "necessary" or "proper" in the option of MPEA.
- C. Unless a contrary meaning is specifically noted elsewhere, the words "approved," "reasonable," "suitable," "acceptable," "properly," "satisfactory" or words of like effect and import used in the RFP mean reasonable, suitable, acceptable, proper or satisfactory in the judgment of MPEA.

II. BACKGROUND INFORMATION AND OBJECTIVES

GENERAL BACKGROUND INFORMATION

The Metropolitan Pier and Exposition Authority, hereinafter referred to as the "Authority" or "MPEA" is a political subdivision, unit of local government, body politic, and municipal corporation existing under the laws of the State of Illinois pursuant to the Metropolitan Pier and Exposition Authority Act, as amended, 70 ILCS 210/1 *et seq.* (the "MPEA Act"). The Authority was established to promote, operate and maintain fairs, expositions, meetings and conventions in Cook County, Illinois. The Authority owns McCormick Place®, an exhibition and convention center located at 23rd Street and Martin Luther King Drive in the City of Chicago, which is managed and operated by SMG, a private convention management company.

McCormick Place® is North America's premier convention facility. The McCormick Place Complex ("MPC") comprises four state-of-the-art buildings, the South, West, North buildings and the Lakeside Center. These buildings have a combined total of more than 2.6 million square feet of exhibit space, and over 600,000 square feet of meeting rooms, making it the nation's largest convention center. McCormick Place® hosts approximately 125 -150 events and attracts more than four million trade and public show visitors annually. McCormick Place® features the Arie Crown® Theater, a renovated proscenium arch theatre which seats approximately 4,249. Two separate buildings, the Energy Center and the Corporate Center, are also part of the MPC.

Historic Navy Pier®, the Midwest's #1 tourist and leisure destination that attracts more than 8.6 million visitors a year, is also owned by the Authority. Navy Pier is governed by an independent not-for-profit organization known as Navy Pier, Inc. ("NPI") pursuant to a long term lease agreement with the Authority.

The Authority also owns the Hyatt Regency McCormick Place, a recently renovated and expanded 1262-room hotel and conference center located adjacent to McCormick Place. The Hyatt Corporation is responsible for the operation and management of this Hotel under a management agreement with the Authority.

New development projects are in progress to expand the McCormick Place campus by constructing another 1206-room headquarters hotel and an approximate 10,000 seat Event Center, a multi- purpose facility that will serve as a first-class NCAA basketball arena and a general assembly hall for large business meetings and other major special events. The Event Center is being jointly developed by DePaul University and the MPEA, and DePaul will be the anchor tenant in the facility and will host DePaul NCAA men's and women's home basketball games, tournaments, and other DePaul events. Prairie District³ ("PD3") Partners, a joint venture team led by Clark Construction Group-Chicago, is the Design-Builder ("DB") for these two projects, and it is the Authority's goal to complete the construction of the Marriott Marquis Chicago hotel and the Event Center in 2017.

Additional information about the MPEA can be viewed at: www.mpea.com.

MPEA AND NPI ELECTRICITY REQUIREMENTS/PROFILE

This RFP covers the supply and delivery of electricity into ComEd for the accounts/meters at the McCormick Place Complex and Navy Pier. MPEA is currently purchasing electricity from an ARES. The contract expiration dates are as follows:

- McCormick Place – (Account Number 7533026002) Expiration MRD February 28, 2021

The following are summarized for McCormick Place in the referenced exhibits:

1. Annual historical electric usage at McCormick Place is summarized in Exhibit 3 - Historical Usage.
2. Exhibit 4 – kWh and KW Data Charts shows total consumption for McCormick Place for the previous twelve months. Periods of High demand are indicative of the show schedules that are pre-determined. It is important

to note that even though there is "spikiness" in the demand, this spikiness is predictable since the shows are pre-determined.

3. Exhibit 5 details the schedule of anticipated upcoming major events and demand.
4. Exhibit 6 details the forecasted load for McCormick Place for the next three years. The loads for McCormick Place are projected based on known exhibition schedules and may be subject to change.

MPEA will endeavor to provide the ARES six months advance notice of any material increases or reductions in usage in any of its Facilities.

Notwithstanding the provision of this projected data, the ARES is required to supply the Authority's actual load during the term of the contract resulting from this RFP.

5. Exhibit 7 shows the McCormick Place accounts and current meter numbers.
6. Exhibit 8 is a separate file available for download on the MPEAs website and is incorporated by reference to this RFP document, providing the current interval data for the accounts at McCormick Place.

GOALS AND OBJECTIVES

This Request for Proposal (RFP) has been issued to solicit proposals from Alternative Retail Electric Suppliers (ARES) as defined in Section 16-102 of the Electric Service Customer Choice and Rate Relief Law of 1997, 220 ILCS 5/16-102 (2002). Respondents should be prepared, qualified, and interested in entering into a contract to provide electric power and energy under Commonwealth Edison Company's Retail Customer Delivery Service tariffs and guidelines as approved by the Illinois Commerce Commission.

The main objective of this RFP is to select a Responsible ARES that guarantees quality of electricity supply service on a consistent, non-interruptible firm delivery basis to the MPEA's facilities, while minimizing costs given MPEA's low risk tolerance.

Under 70 ILCS 210/23.1(b) (the "Act"), the Authority has adopted and maintains a minority and women owned business enterprise procurement program that establishes subcontracting goals to facilitate the participation of minority and women owned business enterprises on Authority contracts. The Act also states that when the Authority determines that it is impracticable to obtain minority or female owned businesses to perform sufficient work to fulfill the commitment required by the Act, the Authority shall reduce or waive the subcontracting commitment in the contract. Pursuant to Section 23.1(b) of the Act, the Authority has determined that the nature of the services to be provided under this contract is such that neither direct nor indirect subcontracting opportunities will be practicable. Therefore, the MPEA waives the subcontracting goals for this contract. However, the Authority invites and encourages certified MBE or WBE interested in performing the services to submit Proposals for direct award consideration in response to this RFP.

III. SCOPE OF SERVICES

REQUIREMENTS

The Proposer must meet the following minimum requirements. Failure to meet these requirements may constitute a technically unacceptable offer.

- Proposer must be an Alternative Retail Electric Supplier certified to provide electric power and energy as defined in Section 16-102 of the Illinois Public Utilities Act, 220 ILCS 5/2 *et seq.* Proposer must immediately notify The Authority of occurrences that could lead to the supplier being disqualified as a qualified Alternative Retail Electric Supplier in the state of Illinois.
- Proposer must meet all of ComEd's requirements described in rate schedules Retail Delivery Service (RDS), and Dual Bill Option (DBO).
- The Proposer must be able to provide details of current service for at least one year and preferably the most recent five years of service experience in facilities where the service volumes were greater than or equal to \$14,000,000 or 140,000 MWh per year.
- The Proposer must provide Audited Financial Statements with their Proposal submission. If requested after the review of the Financial Statements, the Proposer must also be prepared to provide Parent Company Guarantee or Third Party Guarantee of a minimum of Two Million (\$2,000,000) Dollars or, Proof of Financial Capability to the satisfaction of the MPEA to perform the contract as described in this document.

LOAD REDUCTION INCENTIVE PROGRAMS

The Proposer must be willing to facilitate participation in load reduction incentive programs. The Authority may take advantage of certain incentives, or other programs of value, offered from time to time by ComEd and PJM for reducing load during curtailments.

RENEWABLE ENERGY CERTIFICATES

The Proposer must have the ability to fulfill renewable power requirements. The Authority is requesting the selected ARES to provide prices to obtain 100% Green-e renewable energy certificates during the term of the contract. Proposer must indicate the source of renewable energy, and if applicable, provide any third party agreement related to the sale of such renewable energy to the Authority.

METER READINGS

The Selected Proposer's meter read date/times will coincide with the meter readings of ComEd. If additional meter readings throughout the month are required, it should be stated in Proposer's response to this RFP.

REPORTING AND BILLING

The selected ARES must detail quantities delivered and price paid on each month's invoice for McCormick Place accounts. Invoices shall be sent to the respective properties as follows:

McCormick Place:

MPEA Accounts Payable
301 E. Cermak Rd.
Chicago, IL 60616

TERM

This Contract begins on the Effective Date and unless sooner terminated in accordance with the contract, ends three (3) years after the starting meter read date specified on Exhibit 2, Pricing Schedule.

The Authority reserves the right to extend the contract for up to 2 one-year extension options by notice in writing to the ARES prior to the current contract end date. The Authority may request revised pricing for the extension option periods at the time it exercises the extension options.

IV. RFP PROCESS AND SUBMISSION REQUIREMENTS

RFP PROCESS

The Proposer's written submittal, which details the experience and expertise of the Proposer to provide Alternative Retail Electric Supplier, is due no later than **12:00 noon central time, on Friday, April 10, 2020.**

Requirements and procedures for providing submittals in response to this RFP are described herein. RFP documents are available for downloading at the MPEA website at www.mpea.com under the link "Doing Business" on or after two o'clock (2:00) PM central time on Friday, March 20, 2020. The Authority requests that all Proposers that download the document from the MPEA website contact the MPEA, DEPARTMENT OF PROCUREMENT by email, referencing RFP No. 2020-07-M to mpeaprourement@mpea.com to register Proposer's company as a document holder to ensure timely notices of updates and addenda regarding the this RFP.

If it becomes necessary to revise or amend any part of this RFP, the Authority will publish a revision by written addendum on its website and notify all prospective Proposers who have provided the Authority with valid contact information. It will be the responsibility of the Proposer to obtain all such addenda and to acknowledge receipt of any addenda that have been issued. (If none are issued, indicate "NONE" on REQUIRED FORM A, Form of Transmittal Letter.)

Proposers are to contact only mpeaprourement@mpea.com concerning this RFP and should not rely on representations, statements, or explanations other than those made in this RFP or in any written addendum to this RFP. The Authority will accept questions and requests for clarifications, in writing via e-mail, until **two o'clock (2:00) PM central time Wednesday March 25, 2020.**

RFP submittals are due no later than **12:00 noon central time, on Friday, April 10, 2020.** Interested parties must submit an electronic version of its submission in an unlocked PDF or other electronic format including a redlined Word version of the Master Electric Sales Agreement via email to mpeaprourement@mpea.com or a secure file sharing platform such as Dropbox. Proposers are strongly encouraged to submit a searchable converted PDF file rather than a manually scanned image file. Electronic versions of files in word and excel are provided for the Proposer's use and convenience, and to expedite the submission and review process.

Hard copy submittals are NOT REQUIRED, however if they are, sent the submissions and all supporting documentation must be submitted in a sealed package/envelope labeled "Request for Proposals #2020-07-M Alternative Retail Electric Supplier (ARES)". Facsimile copies will not be accepted.

DO NOT submit a completed Exhibit 2- Pricing at this time; excel versions of these files will be provided to shortlisted respondents.

Hardcopy submittals may be delivered to the Authority at the following address:

METROPOLITAN PIER AND EXPOSITION AUTHORITY
ATTN: MPEA PROCUREMENT
301 EAST CERMAK ROAD, 1ST FLOOR
CHICAGO, ILLINOIS 60616

The responsibility for submitting a response to this RFP on or before the stated time and date will be solely and strictly that of the Proposer. The Authority will in no way be responsible for delays caused by the U.S. Post Office or caused by any other entity or by any occurrence. Proposals received after **12:00 noon central time, on Friday, April 10, 2020** may be deemed non-responsive and ineligible for consideration.

By submitting a Proposal, Proposer agrees to accept and abide by the terms of this RFP. The Authority reserves the right to reject any or all submittals, to waive any informality or irregularity, and to accept any Responsive submittals

which it may deem to be in the best interest of the Authority. Only submittals from Responsible Proposers complying with the provisions of this RFP will be considered.

Submittals may be considered incomplete if they do not bear the signature of an agent of the Proposer who is in a position to contractually bind the Proposer. The submittals can be withdrawn at any time, if requested in writing, until the deadline date at which time it will be considered final.

RFP SUBMISSION REQUIREMENTS

Interested Proposers are to provide a thorough submittal using the guidelines presented herein. Submittals should be prepared simply and economically, providing a straightforward, concise description of the Proposer's ability to meet the requirements of the RFP. Emphasis should be on conforming to the RFP instructions, responding to the RFP requirements/scope of services and the completeness and clarity of content. The Proposer is expected to expand on the scope in the submitted Proposal, incorporating their expertise and proposed method or approach.

Proposal Submission

The following provides an outline of the information to be included to demonstrate the qualifications of the Proposer. This outline is not all-inclusive and Proposers can add information as deemed appropriate.

1. Executive Summary —a brief summary of the Proposer's relevant experience in supplying electricity as an ARES. The summary must also include a statement that the Proposer is currently a licensed ARES in the state of Illinois and include the first date of Proposer's qualification.
2. Qualifications and Experience of the Proposer — statement detailing the Proposer's current experience for at least one year, preferably for the most recent three years, in comparable facilities of similar size and scope and other qualifications that may demonstrate the Proposers ability to provide the Services as described in this RFP.
3. Comparable Facilities – Detail no less than three examples of facilities within the past 5 years in which you have provided similar services.
4. References — three client references from facilities to which your firm is or has provided services similar in size and scope to those described in Section III Scope of Services, within the last 3 years. Include company name, address, the client contact person, phone number, email address, and a description of the services provided.
5. Financial Disclosure — Furnish audited financial statements, including a balance sheet and profit and loss statements, for the last three years.
6. Form of Agreement — Proposer must affirmatively include a statement that the Proposer agrees to the terms in the attached Form of Agreements (Exhibit 1 and Exhibit 2). If the Proposer does not take exception of any of the terms in the Form of Agreement, the Authority will deem the Proposer as having accepted those terms and Proposer will not have the opportunity to submit exceptions after the RFP due date. Alternatively, Proposer must note any specific exceptions to the same with an explanation of the reasons the Proposer does not agree to any specific term by redlining the Form of Agreement provided in Word. A hardcopy should be included in the Proposal and the Word version of the same emailed to mpeaprourement@mpea.com referencing this RFP number and the same company contact information included in the Transmittal Letter by the RFP due date.
7. Sample Invoice/Billing Statement
8. Relevant Factors — Any other relevant factors the Proposer believes should be considered by the Authority.

Required Forms

In addition to the information required above, Proposals must contain the following completed items attached to this RFP:

Required Form A	Form of Transmittal Letter
Required Form B	Statement of Business Organization
Required Form C	Statement of Qualifications and IRS Form W-9
Required Form D	Proposer Certifications
Required Form E	Disclosure of Lobbyists
Required Form F	Notification of Exceptions
Required Form G	Minority and Women Owned Business Enterprise Profile

V. RFP EVALUATION CRITERIA

EVALUATION PROCESS

The Authority intends to conduct a comprehensive, competitive, and impartial evaluation of proposals received in response to this RFP. The evaluation and selection of the successful Proposer will be a two-step process.

Step 1: The Authority will first review the proposals to assess Proposer's Responsiveness and compliance with the administrative requirements of the RFP (completion of Required Forms). The Authority will also determine whether the Proposer is Responsible and one with whom the Authority can or should do business.

The Authority will use an Evaluation Committee to review and evaluate the Proposals in accordance with the Evaluation Criteria. Throughout the evaluation and selection period, each Proposer may be required to furnish additional information, make presentations, and/or attend meetings as requested by the Authority.

Based on the qualifications submitted, the Authority may, in its sole discretion, select a short list of firms deemed to be qualified to proceed to the next step.

Step 2: All firms identified on the short list will be notified by the Authority and given the specific date (targeted for April or May 2020) at which time the Authority will request pricing from those firms, as per Exhibit 2 Pricing Agreement and Schedule. Within a two-hour timeframe, the Authority will select and execute an agreement with the firm(s) deemed to be the best qualified to provide electricity supply service for its facilities at McCormick Place.

Evaluation Criteria

Evaluations will be based on criteria outlined herein and all proposals will be evaluated using the same criteria. The Authority will accept the Proposal it deems most likely to meet the goals of the services outlined in this RFP. In evaluating the Proposals, the Authority will consider the following:

1. Qualifications and Experience
 - A. Proposer's previous experience providing services of similar scope and magnitude to those required by the Authority for a period sufficient to establish the quality and reliability of the services provided
 - B. Proof of Proposer's current ARES license in the State of Illinois
 - C. Membership in professional or regulatory organizations that are standard for the Service
2. Compliance with RFP submittal requirements
3. Understanding of the MPEA's program objectives
4. Past performance and references
5. Financial Ability and Relative Information

- A. Proposer's financial viability and financial ability to perform the services
- B. Corporate counsel's summary of any significant litigation, as detailed on Required Form C, item 12
- C. Proposer's acceptance of the terms and conditions specified in Exhibit II – Form of Agreement

6. Proposed Pricing

Evaluation and Award Process

The evaluation and award process is as follows:

- 1. Review of the Proposals to assess compliance with mandatory administrative requirements
- 2. Detailed evaluation by the Committee of Proposer's mandatory service requirements and proposed services
- 3. Clarifications, discussions, and presentations (if determined necessary by the Evaluation Committee)
- 4. Determination and recommendation of short list of qualified Proposers
- 5. Approval by the MPEA Board and delegation of authority to award a contract with any short-listed Proposer
- 6. Notification to RFP respondents of short list of Proposers
- 7. Request pricing from short-listed Proposers on pre-determined date; Review proposed pricing; Make award decision; Execute final agreement
- 8. Award notification to the Authority's Board at its next meeting

VI. CONDITIONS, DISCLAIMERS AND DISCLOSURES

This RFP does not represent a commitment or offer by the Authority to enter into an agreement with a Proposer or to pay any costs incurred in the preparation of a response to this RFP. The Authority also reserves the right to seek new submittals when such a request is in the best interest of the Authority and to reasonably request additional information or clarification of information provided in the response without changing the terms of the RFP. The Proposer assumes the responsibility for all costs incurred in responding to this RFP. It is understood and agreed that the Authority assumes no liability for the Proposer's costs incurred in responding to this RFP. The RFP and the selected Proposer's response to the RFP will, by reference, become a part of the final Contract between the selected Proposer and the Authority resulting from this solicitation process.

Signing Forms

Proposal forms must be properly completed and the Form of Transmittal Letter (See REQUIRED FORM A) must be in the required form and signed by persons with the authority to bind the Proposer(s). Special requirements apply depending on the nature of the Proposer's organization. The Proposal and Form of Transmittal Letter shall be signed as follows:

- If the Proposer is a corporation or limited liability company, the Proposal and Form of Transmittal Letter shall be signed in the name and under the seal of the corporation by a duly authorized officer of the corporation or manager of the company, with the designation of his/her official capacity, and attested properly. The Response and Form of Transmittal Letter shall show the state in which the corporation is chartered. If it is a foreign corporation, the Response shall show whether or not the Proposer is licensed to transact business in the State of Illinois.
- If the Proposer is a firm or partnership, the Proposal and Form of Transmittal Letter shall be signed in the name or style under which the organization is doing business and by the partner, proper officer, or officers whose official capacity shall be designated. The name and address of each member of the organization shall be shown on the Proposal and Form of Transmittal Letter.
- If the Proposer is an individual, he/she shall sign the Proposal and Form of Transmittal Letter in person or by representative, stating the name or style, if any, under which he/she is doing business. If the signing is by representative, the representative's Power of Attorney or other authorization shall be stated and shall be proven if requested.
- If the Proposer is a joint venture, the Proposal and Form of Transmittal Letter shall be signed by each of the persons or firms that are a party to the joint venture agreement. A certified copy of the joint venture agreement shall be attached to the Proposal and Form of Transmittal Letter. A joint venture will not be accepted unless the joint venture agreement or some other signed and legally binding instrument is certified and attached to the Proposal Form sheet and Form of Transmittal Letter and contains provisions for one of the parties to the joint venture to be in full direction of the services and to exercise this direction through a single individual to be appointed manager of operations with the consent of all parties to the joint venture agreement.
- In every case, the Proposal and Form of Transmittal Letter shall show the present business address of the Proposer at which address communications shall be received and service of notices accepted.
- Where the Proposal and Form of Transmittal Letter are signed by an agent of the Proposer, evidence of the agent's authority to sign must accompany the Proposal. If the Proposer is a corporation, such evidence shall be a certified copy of that section of corporate bylaws or other authorization such as a Resolution by the Board of Directors, which permits the person to sign the offer on behalf of the corporation. The name of each person signing the Proposal shall be typed or printed below his/her signature.

Ownership of Proposals

The timely submittals and any information made a part of the Proposals will not be returned to the sender. The Authority reserves the right to retain all submittals and to retain any ideas in a submittal regardless of whether a Proposer is selected. Submittal of a response to this RFP indicates acceptance by the Proposer of the conditions contained within the RFP document.

Improper Practices

The Proposer shall not offer any gratuities, favors, or anything of monetary value to any official or employee of the Authority, the Authority's appointed evaluation committee, SMG, the City of Chicago, Choose Chicago, State of Illinois, or any other organization that may have a clear interest in the outcome of the selection process, for the purposes of influencing the outcome of the RFP response selection process.

The Proposer shall not collude in any manner or engage in any practices with any other Proposer(s), which may restrict or eliminate competition or otherwise restrain trade. Violation of this instruction will cause the Proposer(s) submittal(s) to be rejected by the Authority. The prohibition is not intended to preclude joint ventures or subcontracts.

Interpretation

Should any question arise as to the proper interpretation of the terms and conditions contained in this RFP, the Authority's decision shall be final.

Multiple Awards

It is the intent of the Authority to award to one Proposer for Alternative Retail Electric Supplier. However, the Authority reserves the right to award the Contract to one or more Proposers as it deems to be in its best interest.

No Criminal/ Civil Liability and Not In Arrears Certification

Submission of a proposal shall include a representation that neither the Proposer, nor any of its joint venture participants, partners, members, affiliates, subsidiaries, officers, directors, managerial employees, or any individual who, directly or indirectly, holds an ownership interest in the Proposer's organization has been convicted of a criminal offense incident to the application for or performance of a contract or subcontract with a governmental entity in the State of Illinois, or has been convicted of a criminal offense, or held liable in a civil proceeding, that negatively reflects on the entity's or individual's business integrity, based on a finding of embezzlement, theft, forgery, bribery, falsification, or destruction of records, receiving stolen property, or violation of state or federal antitrust statutes or similar laws.

Vendor Ethics

The Authority is prohibited by law from contracting with certain persons and entities. Accordingly, ownership interests must be disclosed in Required Form B, STATEMENT OF BUSINESS ORGANIZATION. Proposers must also comply with the prohibitions on political contributions that are set forth in the MPEA Act, as amended.

Proposers who have done business or are seeking to do business with MPEA should review the prohibitions on political contributions to candidates and elected officials, set forth in the City of Chicago Municipal Code on Governmental Ethics, Section 2-156-455.

Freedom of Information Act

This RFP and any subsequent agreement are subject to disclosure pursuant to the Illinois Freedom of Information Act, 5 ILCS 140 (FOIA) and other applicable laws and rules. The Proposal may be made available for public inspection and copying and if the Proposer believes certain information is exempt from public disclosure under FOIA, the Proposer must clearly mark those portions of its Proposal as being "Confidential" and request confidential treatment. The Proposer must show the specific grounds under FOIA or other law or rule that support exempt treatment. The Authority is not obligated to honor requests for confidential treatment, even if the information is exempt from public disclosure. The Proposer will be responsible for any costs or damages associated with the Authority's defending the Proposer's request for exempt treatment.

Confidentiality

Except with the Authority's approval, the Proposer shall not directly or indirectly disclose, divulge or communicate to any person, firm or corporation, other than the Authority or its designated representatives, or as required by law, any non-public information which it may have obtained during the RFP process concerning any matter relating to the work or regular business of the Authority.

Taxes

The Successful Proposer is responsible for all existing and future applicable federal, state, and local taxes, whether direct or indirect, incurred in connection with the Contract. The Authority, however, is exempt by law from Illinois Retailers Occupation Tax, Use Tax, Service Occupation Tax, Service Use Tax, and Municipal and Regional Transportation Authority Retailers Occupation Tax on materials or services purchased in connection with the Services.

Rejection of Proposals

Proposals that do not comply with the submittal requirements of the RFP, or that contain omissions, erasures, alterations or additions not called for, or that are irregular in any way, may be rejected as informal and insufficient. The Authority, however, reserves the right to waive any or all informalities when it considers a waiver to be in its and the public's best interest.

In addition to all other basis for rejection, any Proposer found to have falsified any information to the Authority in relation to this or any other procurement, or which has been barred from doing business with the Authority, the City of Chicago or State of Illinois, or which has been convicted of a felony related to procurement contracting with any unit of government, may be rejected.

Protests

Any and all protests or challenges with respect to the selection of the Successful Proposer and this RFP, any of the procedures or requirements stated herein, or any other terms and conditions related to the transactions stated or contemplated herein must be asserted in writing to:

Metropolitan Pier and Exposition Authority
Attn: Procurement Department
301 E. Cermak Rd.
Chicago, IL 60616
mpeaprocurement@mpea.com

All protests or challenges concerning the process, ambiguities or defects of the RFP must be submitted within seven (7) calendar days after publication of the RFP. All protests or challenges concerning the selection of the Successful Proposer must be asserted within seven (7) calendar days after the notification of award of the Successful Proposer. Protests shall contain a statement of reason(s) for the protest identifying any alleged violation and any specific relief sought. Failure to file any action, protest or challenges within the time frames set forth above shall constitute a full and absolute waiver to take action against, protest or challenge the RFP process or selection of the Successful Proposer.

REQUIRED FORM A – FORM OF TRANSMITTAL LETTER

To be duplicated and completed on Proposer's company letterhead

(Date)

Metropolitan Pier and Exposition Authority
301 East Cermak Road
Chicago, Illinois 60616
Attention: MPEA Procurement

Re: **Alternative Retail Electric Supplier RFP #2020-07-M**

On behalf of (Full legal name of Proposer), I submit with this letter its response to the Metropolitan Pier and Exposition Authority's Request for Proposals ("RFP") for **ALTERNATIVE RETAIL ELECTRIC SUPPLIER**. In this connection, I state the following:

1. I have full authority to bind Proposer with respect to this response to the Request for Proposals and any oral or written presentations and representations made to the Authority.
2. (Full legal name of Proposer) has read and understands the Request for Proposals and is fully capable and qualified to provide the goods and or services as described within this Request for Proposals.
3. I have read and understand the Request for Proposals, including addenda numbers _____. If none were issued, indicate "NONE".
4. (Full legal name of Proposer) understands that the Metropolitan Pier and Exposition Authority will rely on Proposer's response to the Request for Proposals and Proposer agrees to be bound by its representations and statements made in its response and in any oral or written presentation(s) made during the evaluation and selection process.
5. (Full legal name of Proposer) agrees to hold its Proposal open for a period of 60 days from the date and time established for notification of award, and, if requested by the Authority, for an additional 30 days thereafter.
6. If requested by the Authority, Proposer agrees to furnish additional information or documentation or to make one or more oral presentations or demonstrations to assist the Authority in evaluating its Proposal.
7. Neither I nor Proposer has any beneficial interest in or relationship with any other party working or performing services for or otherwise affiliated with the Authority and no conflict of interest which could interfere with the provision of services to the Authority.
8. Proposer understands that the Authority will rely upon the material representations set forth in the Request for Proposals and that Proposer has a continuing obligation to update any information which changes or which Proposer learns to be incorrect. If the Authority determines that any information provided in response to this Request for Proposals is false, incomplete or inaccurate, or if any provision of the requirements of the Request for Proposal is violated, the Contract may be void or voidable, and the Authority may pursue any remedies under the Contract, at law, or in equity, including terminating the Proposer's participation in the project or transaction and/or declining to allow the Proposer to participate in future transactions with the Authority.
9. It is understood that an original and multiple copies of the Request for Proposals have been submitted for consideration. Proposer warrants that all copies are identical to the original in all respects.

10. Proposer acknowledges that any comments, requests or exceptions to EXHIBIT II Form of Agreement or any other requirements stated in this procurement have been identified on REQUIRED FORM G, NOTIFICATION OF EXCEPTIONS.
11. If selected by the Authority, Proposer agrees to negotiate and enter into an Agreement for **ALTERNATIVE RETAIL ELECTRIC SUPPLIER** with the Authority in substantially the form of Exhibit II Form of Agreement.
12. I declare that all Required Forms A through I have been examined by me and to the best of my knowledge and belief are true, correct, and complete.
13. Proposer understands and acknowledges that the certifications, disclosures and acknowledgments contained in the Proposal and provided in Required Forms A through I will become a part of any contract awarded to the Proposer by the Authority in connection with **RFP #2020-07-M**.

Signed: _____

Typed/lettered name of signatory

As: _____
(Relationship to Proposer/Title/etc.)

REQUIRED FORM B – STATEMENT OF BUSINESS ORGANIZATION

NAME OF PROJECT: ALTERNATIVE RETAIL ELECTRIC SUPPLIER

PROJECT NUMBER: 2020-07-M

PROPOSER: _____

Note: Each Proposer is obligated to notify the Authority of any changes in its ownership or in its officers and directors at the time such changes occur if the change occurs during bid evaluation or during the Contract term.

1. If the Proposal is submitted by an individual, answer questions listed below:

- (a) Name _____
- (b) Official Address _____
- (c) Telephone _____ Email address _____
- (d) Fax Number _____
- (e) FEIN _____
- (f) Is the individual authorized to do business in Illinois? YES NO

2. If the Proposal is submitted by a partnership, answer questions listed below:

- (a) Firm Name _____
- (b) Official Address _____
- (c) Fax Number _____
- (d) Telephone Number _____
- (e) FEIN _____

(f) List each individual or business entity having a beneficial interest directly or indirectly, of more than seven and one-half percent (7 ½%) in the business organization.

Holding firms: Where owners are themselves a corporation, LLC, partnership or other business entity, list the business entity's name and each individual or business entity having a beneficial interest directly or indirectly, of more than seven and one-half percent (7 ½%) in such "holding firm". (Use a separate page if necessary). If no individual does, indicate "NONE".

Affiliated entities: List each individual or business entity having a beneficial interest directly or indirectly, of more than seven and one-half percent (7 ½%) in any affiliated entities. (Use a separate page if necessary). If no individual does, indicate "NONE".

Name	Percentage Ownership

REQUIRED FORM B – STATEMENT OF BUSINESS ORGANIZATION

PROPOSER: _____

(g) List the names of all managing partners:

(h) Is partnership authorized to do business in Illinois? YES NO

3. If the Proposal is submitted by a corporation or limited liability company (LLC), answer questions listed below:

(a) Corporate or Company Name _____

(b) Date of Incorporation _____

(c) State of incorporation _____

(d) If incorporated in another State, are you authorized to do business in the State of Illinois?
 YES NO

(e) Name and address of registered agent _____

(f) Fax Number _____

(g) Telephone _____ Email address _____

(h) FEIN _____

(i) List the names of all officers and directors:

REQUIRED FORM B – STATEMENT OF BUSINESS ORGANIZATION

PROPOSER: _____

- (j) List each individual having a beneficial interest directly or indirectly, of more than seven and one-half percent (7 ½%) in the business organization.

Holding firms: Where owners are themselves a corporation, LLC, partnership or other business entity, list the business entity's name and each individual or business entity having a beneficial interest directly or indirectly, of more than seven and one-half percent (7 ½%) in such "holding firm". (Use a separate page if necessary). If no individual does, indicate "NONE".

Affiliated entities: List each individual or business entity having a beneficial interest directly or indirectly, of more than seven and one-half percent (7 ½%) in any affiliated entities. If no individual does, indicate "NONE". (Use a separate page if necessary)

Name	Percentage Ownership

REQUIRED FORM C – STATEMENT OF QUALIFICATIONS

NAME OF PROJECT: ALTERNATIVE RETAIL ELECTRIC SUPPLIER

PROJECT NUMBER: 2020-07-M

PROPOSER: _____

Proposer must furnish all of the following information relative to its ability, experience, and financial resources available for the fulfillment of the Contract.

1. The number of consecutive years that Proposer has been engaged in the business under the present firm name.

Number of consecutive years at this location: _____.

Date when business was organized _____.

2. List all pertinent organizations and associations of which Proposer is currently a member:

3. Provide the overall ratio of managers to personnel. _____

4. List below two (2) trade references:

A. Company Name _____

Contact _____

Title _____

Address _____

Telephone _____ Email address _____

Length of Relationship _____

B. Company Name _____

Contact _____

Title _____

Address _____

Telephone _____ Email address _____

Length of Relationship _____

REQUIRED FORM C – STATEMENT OF QUALIFICATIONS

PROPOSER: _____

5. List below one (1) bank reference:

Company Name _____

Contact _____

Title _____

Address _____

Telephone _____ Email address _____

Length of Relationship _____

6. Identify all union contracts to which you are a signatory (if applicable to the scope of services).

7. Has Proposer ever refused to sign a contract? Y ___ N ___ At the original price? Y ___ N ___

If yes to either question, provide details. _____

8. Has Proposer ever been terminated for cause? _____ If yes, provide details. _____

9. Has Proposer ever defaulted on a contract? _____ If yes, provide details. _____

REQUIRED FORM C – STATEMENT OF QUALIFICATIONS

PROPOSER: _____

10. Has Proposer or any related or affiliated entity ever been adjudged bankrupt, been subject to a receivership or an order of reorganization, or other similar action involving the rights of creditors against vendors? If yes, provide details.

11. Is Proposer or any related or affiliated entity at this time subject to any court order relating to bankruptcy, receivership, liquidation, reorganization, or similar relief? If yes, provide details.

12. Detail any criminal or civil investigation or pertinent litigation pending or that has concluded within the last three (3) years against Proposer’s organization or individuals within the organization.

13. Has Proposer ever forfeited a performance bond? _____ If yes, provide details.

14. Proposer has attached copies of its annual financial statement, such as balance sheets, profit and loss statement, or financial report, for the last three (3) years. _Yes_ _No

15. Proposer has attached a completed IRS W-9 _Yes_ _No

16. Identify how Proposer was made aware of this RFP: Newspaper Ad _____ Website _____ Email Notification
Other _____

17. Identify below the Proposer’s contact person for purposes of responding to any questions the Authority may have:

Contact Name _____

Title _____

Address _____

Telephone _____ Email address _____

Please provide the name, title, and email address of person authorized to execute the contract if different from above. Contracts will be sent via DocuSign or other similar program for electronic execution.

REQUIRED FORM D – PROPOSER CERTIFICATIONS

NAME OF PROJECT: ALTERNATIVE RETAIL ELECTRIC SUPPLIER

PROJECT NUMBER: 2020-07-M

PROPOSER: _____

CHECK BOX(ES) TO CERTIFY:

Proposer certifies that it is fully authorized to enter into an Agreement with the Authority, has no known conflicts of interest as described in the MPEA Act (70 ILCS 210/25.3), or otherwise, and further specifically certifies that:

Neither Proposer nor its agents, officers or employees, has entered into any agreement or arrangement with any individual or entity to refrain from bidding, or to do any act or omit to do any act, the result of which would restrain free competition among Proposers.

Pursuant to 70 ILCS 210/25.3, neither Proposer nor its agents, officers or employees, has made any offer to, nor been solicited by, any member of the Board, officer or employee of the Authority, either directly or indirectly, regarding any money or other thing of value as a gift or bribe or means of influencing his or her vote or action in his or her official character.

Proposer, its affiliated entities and affiliated persons of Proposer's organization have not made any contributions to any political committees established to promote the candidacy of any declared candidate for the office of Mayor of Chicago or Governor of Illinois in violation of the restrictions in 70 ILCS 210/25.5(a).

Neither Proposer, nor its agents, officers or employees, is barred from contracting with any unit of state or local government as a result of being convicted of bid-rigging as defined in Section 33E-3 of the Illinois Criminal Code of 1961 (720 ILCS 5/33E-3), or of bid-rotating as defined in Section 33E-4 (720 ILCS 5/33E-4), or of any similar offenses of any state or the United States that contain the same elements as the offenses of bid-rigging or bid-rotating.

Proposer will, pursuant to 720 ILCS 5/33E-6, report to the Illinois Attorney General and Cook County State's Attorney any prohibited communication that would constitute interference with contract submission and award by a public official.

Pursuant to 775 ILCS 5/2 105, Proposer complies with the Illinois Department of Human Rights Act and rules applicable to public contracts, including equal employment opportunity, refraining from unlawful discrimination, and having written sexual harassment policies.

Proposer will, pursuant to the Drug Free Workplace Act (30 ILCS 580), provide a drug free workplace. Proposer certifies that it will not engage in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the performance of the contract. This requirement applies to contracts of \$5,000 or more with individuals, and to entities with twenty-five (25) or more employees.

Proposer and its employees and subcontractors shall comply with applicable provisions of the U.S. Civil Rights Act, Section 504 of the Federal Rehabilitation Act, and the rules applicable to each as well as the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and the regulations thereunder (28 CFR 35.130).

- [] Neither Proposer, nor any of its affiliates, subsidiaries, officers, directors, managerial employees, or any individual who, directly or indirectly, holds a pecuniary interest in the Proposer's organization has been convicted of a criminal offense incident to the application for or performance of a contract or subcontract with a governmental entity in the State of Illinois, or has been convicted of a criminal offense, or held liable in a civil proceeding, that negatively reflects on the entity's or individual's business integrity, based on a finding of embezzlement, theft, forgery, bribery, falsification, or destruction of records, receiving stolen property, or violation of state or federal antitrust statutes or similar laws.

- [] Proposer is not in arrears to the State of Illinois for any debts whatsoever (including but not limited to back taxes). Further, the undersigned certifies that the Proposer has not defaulted on any other project with the State of Illinois, US Federal Government, or any governmental entity of Cook County or the City of Chicago.

- [] Proposer is in compliance with the Illinois Lobbyist Registration Act (25 ILCS 170/8) and acknowledges specifically, that contingent fees are prohibited. No person shall retain or employ another to lobby with respect to any legislative, executive, or administrative action for compensation contingent in whole or in part upon the outcome of the action and no person shall accept any such employment or render any such service for compensation contingent upon the outcome of the legislative, executive, or administrative action.

REQUIRED FORM E – DISCLOSURE OF LOBBYISTS

NAME OF PROJECT: ALTERNATIVE RETAIL ELECTRIC SUPPLIER

PROJECT NUMBER: 2020-07-M

PROPOSER: _____

The Board of the Metropolitan Pier and Exposition Authority (“MPEA”) has determined that all bids, proposals and contracts requiring Board approval must be accompanied by a statement disclosing information about Lobbyists, as that term is defined in Section A below. Lobbyists retained in connection with the award of the Contract are agents of the Proposer and are therefore subject to the same rules as the Proposer, including but not limited to the prohibition of conflicts of interest and the prohibition of direct contact with any official, employee or agent of the MPEA regarding outstanding procurement projects, except as provided herein. The only officials, employees or agents of the MPEA who may be contacted regarding outstanding procurement projects are the Director of Procurement, to whom questions for clarification regarding an outstanding procurement may be submitted in writing, and members of the MPEA’s Business and Workforce Diversity Department, who may be contacted regarding the Proposer’s Minority and Women’s Business Enterprise participation.

A. DEFINITIONS AND DISCLOSURE REQUIREMENTS

1. "Lobbyist" means any person (i) who, for compensation or on behalf of any person other than himself, undertakes to influence any legislative or administrative action, or (ii) of whose duty, or any part of whose duty, as an employee of another includes undertaking to influence any legislative or administrative action. Sub Consultants or sub-contractors hired by the Proposer who do not fit this definition are not considered Lobbyists.
2. In particular, the Proposer must disclose the name of each such person, his/her business address, the nature of the relationship, and the amount of the fees paid or estimated to be paid.
3. If the Proposer is uncertain whether a disclosure is required, the Proposer must either ask the MPEA whether disclosure is required or make the disclosure. The Proposer is not required to disclose employees who are paid solely through the Proposer's regular payroll or sub-contractors that will be assisting in performance of the work without providing **ALTERNATIVE RETAIL ELECTRIC SUPPLIER**.
4. MPEA prohibits the participation of Lobbyists when the payment to the Lobbyist is contingent on the award to the party of a contract, namely through contingency fee agreements.

B. CERTIFICATION

Each and every Lobbyist or other person retained or anticipated to be retained directly by the Proposer is listed below [begin list here, add sheets as necessary]. Indicate by check below if any such person is retained for or in connection with lobbying for the award of the contract that is the subject of this RFP.

Name	Business Address	Fees (indicated whether paid or estimated)	Check if retained directly for award of this contract
			[]
			[]
			[]
			[]

CHECK HERE IF NO SUCH PERSON HAS BEEN RETAINED DIRECTLY BY THE APPLICANT OR IS ANTICIPATED TO BE RETAINED DIRECTLY BY THE APPLICANT.

REQUIRED FORM F – NOTIFICATION OF EXCEPTIONS

NAME OF PROJECT: ALTERNATIVE RETAIL ELECTRIC SUPPLIER

PROJECT NUMBER: 2020-07-M

PROPOSER: _____

The Proposer understands and agrees that:

PLEASE CHECK ONLY ONE:

PROPOSER ACKNOWLEDGES THAT THERE ARE **NO EXCEPTIONS** TO EXHIBIT 1 FORM OF AGREEMENT OR ANY OTHER REQUIREMENTS STATED IN THIS RFP #2020-07-M. PROPOSER ACCEPTS THE TERMS AND REQUIREMENTS OF THIS RFP AND THE FORM OF AGREEMENT AND AGREES TO SIGN THE AGREEMENT IN SUBSTANTIALLY THE FORM OF EXHIBIT 1 IF IT RECEIVES THE CONTRACT AWARD.

PROPOSER ACKNOWLEDGES THAT **THERE ARE EXCEPTIONS** TO EXHIBIT 1 FORM OF AGREEMENT INCLUDING CONFLICTS OF INTEREST, OR ANY OTHER REQUIREMENTS STATED IN THIS RFP #2020-07-M. PROPOSER HAS ATTACHED A DETAILED LIST OF ALL EXCEPTIONS, A DETAILED EXPLANATION AND ALTERNATIVE LANGUAGE IN THE FORM OF A REDLINED DOCUMENT, TO THE EXCEPTED AGREEMENT TERMS TO THIS REQUIRED FORM - NOTIFICATION OF EXCEPTIONS.

REQUIRED FORM G – MINORITY AND WOMEN OWNED BUSINESS ENTERPRISE PROFILE

NAME OF PROJECT: ALTERNATIVE RETAIL ELECTRIC SUPPLIER

PROJECT NUMBER: 2020-07-M

PROPOSER: _____

Is Proposer a minority or woman owned business enterprise? YES NO

If Yes, complete 1 – 4 below:

1. Check the Status of Proposer:

Minority-Owned Business Enterprise (MBE)

Women-Owned Business Enterprise (WBE)

2. Gender: Race/Ethnicity: Type of Firm:

- | | | |
|---------------------------------|---|--|
| <input type="checkbox"/> Male | <input type="checkbox"/> Black/African American | <input type="checkbox"/> Partnership |
| <input type="checkbox"/> Female | <input type="checkbox"/> Hispanic American | <input type="checkbox"/> Sole Proprietorship |
| | <input type="checkbox"/> Asian American | <input type="checkbox"/> Corporation |
| | <input type="checkbox"/> Native American | <input type="checkbox"/> Limited Liability Company (LLC) |
| | <input type="checkbox"/> White American | <input type="checkbox"/> Other _____ |

3. If Proposer is certified as a MBE or WBE, please attach a copy of all current certifications.

MPEA neither certifies nor decertifies a firm's MBE/WBE status. Rather, it accepts the current certifications of other agencies whose policies and procedures are consistent with the requirements of Section 23.1(b) of the Act. MPEA presently accepts certifications from the City of Chicago, Chicago Minority Business Development Council, County of Cook, Women's Business Development Center, and the State of Illinois through its Central Management Services Division.

4. If Proposer's certification is pending, check this box

Identify Agency certification is pending with: _____

Please attach a copy of the letter from the Agency verifying that certification is pending.

EXHIBITS 1- 8

Exhibits 1-8 for McCormick Place are available for download as a separate files at the MPEA website, www.mpea.com