BIL 40103(b) Grid Innovation Program (GIP)

Invitational Call for Innovative Project Design Concepts

Issued: September 25, 2023
Updated: October 5, 2023
Updated: December 1, 2023

1. Introduction and Overview

Interested parties are encouraged to respond to this Invitational Call for Innovative Project Design Concepts (Invitational Call) issued by the Connecticut Department of Energy and Environmental Protection (CT DEEP), the Maine Governor's Energy Office (ME GEO), the Massachusetts Department of Energy Resources (MA DOER), the New Hampshire Department of Energy (NH DOE), the Rhode Island Office of Energy Resources (RI OER), and the Vermont Department of Public Service (VT DPS) (Participating States). The Participating States intend to select one or more Innovative Project Design Concepts to submit as Draft Concept Papers in response to the second Funding Opportunity Announcement (FOA) for the Grid Innovation Program (GIP) to be issued by the U.S. Department of Energy (DOE). The GIP is intended to fund projects that improve grid reliability and resilience using advanced technologies and innovative partnerships and approaches. The GIP is administered by DOE through the Grid Resilience and Innovation Partnerships Program funded through the 2021 Bipartisan Infrastructure Law. The Participating States reserve the right to issue a revision to this Invitational Call after DOE releases the second GIP FOA.[1]

2. Background

On September 1, 2022, five New England States (Connecticut, Massachusetts, Maine, New Hampshire, and Rhode Island) announced a joint Regional Transmission Initiative to explore investment in electric transmission infrastructure needed to better integrate clean energy resources such as, but not limited to, offshore wind (OSW), while improving the reliability, resilience, and affordability of the grid for the region's electricity customers.

DOE issued its first FOA under the GIP on November 18, 2022, requesting Concept Papers by January 13, 2023 and full applications by May 19, 2023. In response to the FOA, Connecticut, Maine, Massachusetts, and Rhode Island, with support from New Hampshire and Vermont, submitted a Concept Paper to DOE regarding a Joint State Innovation Partnership for Offshore Wind. In addition, Massachusetts, Connecticut, Rhode Island, and Maine each requested notices of interest (NOI) and draft concept papers from developers interested in proposing projects, including projects related to the New England states' Regional Transmission Initiative, for states to consider as part of a GIP funding application. Based on information received by MA DOER in response to its NOI, MA DOER submitted an application to the GIP seeking federal

[1] For reference, the first GIP FOA may be found at https://www.fedconnect.net/FedConnect/default.aspx?doc=DE-FOA-0002740&agency=DOE, titled BIL– Grid Resilience and Innovation Partnerships (GRIP).

funding for the innovative Cleaner Grid New England Project (CGNE Project) in partnership with Eversource and National Grid. Similarly, CT DEEP submitted a GIP application seeking federal funding to upgrade the regional transmission grid in Connecticut to better integrate offshore wind, as an initial step by Connecticut toward the broader transmission vision articulated by the New England states in the Regional Transmission Initiative concept paper. These applications are pending. DOE's funding determination is expected later this year.

Through other initiatives, the New England states have been working actively and collaboratively to pursue a collective vision for regional transmission investment that is grounded in proactive, thoughtful planning for the future grid.[2] This includes working closely with ISO New England on its 2050 Transmission Study and development of a regional tariff mechanism to translate study results into transmission investments through an ISO New England-administered competitive procurement process. It also includes partnering with DOE and other Northeast and Mid-Atlantic states to form a multi-state collaborative to explore interregional transmission planning and potentially mutually beneficial transmission solutions, including facilities to interconnect OSW.

The Participating States seek to position New England to be competitive for DOE's second GIP funding opportunity and to continue to take steps toward reliable, cost-effective transmission infrastructure for the region, including supporting the growing offshore wind market. Based on the first GIP FOA, it is expected that DOE will provide for up to $1.82 billion of federal funding and will require at least 50% non-federal cost share. Under the first FOA, the maximum award was $250 million for any one individual award, and $1 billion per award for interregional transmission projects.

3. Purpose of the Invitational Call

The DOE's second GIP FOA invites eligible respondents, including states, to provide both technical and non-technical approaches that improve grid reliability and resilience on a local, regional, and/or interregional scale. DOE is soliciting projects that contribute significantly to one or more of the following primary objectives:

- Ensuring reliable grid operations by reducing the frequency, scale, and/or duration of disruptions, reducing capacity interconnection time, increasing regional and interregional transfer capacity, or reducing costs associated with increased reliability.
- Improving overall grid resilience in terms of avoiding, withstanding, responding to, and recovering from disruptions, including deliberate attacks, accidents, the growing threats of extreme weather events and climate change, and other naturally occurring threats or incidents.
- Enhancing collaboration between and among eligible entities and private and public sector owners and operators on grid resilience, including in alignment with regional

[2] https://nescoe.com/resource-center/update-on-multi-state-transmission-activities/.

resilience strategies and plans. This includes collaboration across state and other territorial boundaries such as grid operators or other balancing authorities, with a particular focus on innovating planning processes, modeling, cost allocation, permitting, reduction of interconnection queue waiting time, inter-regional projects and other activities aided by collaborative approaches.

- Contributing to the decarbonization of the electricity and broader energy system in a way that supports system resilience, reliability, and affordability by improving access to technologically and geographically diverse energy resources, including distributed energy resources and electrification opportunities.
- Providing enhanced system value, improving current and future system cost effectiveness, and delivering economic benefits to community members, underrepresented regions, or other stakeholders.

The Participating States invite proposals that meet these GIP objectives and the regional objectives set out below. In addition, the Participating States will prioritize Innovative Project Design Concepts that facilitate and complement the Regional Transmission Initiative and the states' joint efforts to develop an offshore wind grid.

More specifically, the Participating States are interested in additional onshore projects that will ready our region for an offshore grid. We are not seeking offshore transmission solutions through this process in light of the substantial time needed to evaluate such solutions. We may pursue offshore transmission solutions through a future regional solicitation administered by ISO New England or through some other procurement mechanism.

Respondents to Participating States' Invitational Call may submit Innovative Project Design Concepts that build upon or integrate with the project(s) awarded federal support in the first DOE GIP round, if awards are announced prior to the due date for this Invitational Call. However, respondents may not seek additional funding for a project that was awarded federal support in the first DOE GIP round, and the Innovative Project Design Concept may not replace or substitute for a project previously awarded federal support in the first DOE GIP round.

The Participating States invite proposed Innovative Project Design Concepts that will address one or more of the following regional objectives:

- Provide an onshore transmission solution that prepares the region to effectively interconnect OSW transmission infrastructure, including a networked OSW grid.
- Enhance the resilience and reliability of the region's electric grid, including, but not limited to, concepts that feature emerging or underutilized solutions such as storage and demand response in innovative ways.
- Optimize the delivery profile and/or delivery point(s) for expanded OSW generation resources in the region.
- Contribute to advancements in transmission planning and address reliability criteria uncertainties.

- Address identified bulk transmission system constraints, including existing transfer capacity limitations, to accommodate cost-effective delivery of incremental renewable energy.
- Reduce the cost of interconnecting OSW and other renewable resources pursued through state policy goals.
- Facilitate energy delivery on shore from multiple OSW projects while minimizing community disruptions and/or habitat disturbance.
- Minimize interconnection and/or transmission development risk, including financing risk that may arise from unforeseen costs, and project-on-project risk that may arise if the success of one project is dependent on the timely completion of another project.

The Innovative Project Design Concept may consist of transmission infrastructure, communications systems, control systems, energy storage systems, demand response solutions, interconnection solutions, and/or other technologies. Innovative Project Design Concepts may also include administrative, management, policy, or contractual solutions, alone or in concert with one or more technology solutions. The Innovative Project Design Concept should include a proposed Community Benefits Plan summary that addresses DOE's four core elements:

- Community and labor engagement leading to negotiated agreements;
- Investing in job quality and workforce continuity;
- Advancing diversity, equity, inclusion, and accessibility; and
- Contributing to the Justice40 Initiative goal that 40% of the overall benefits of certain climate and clean energy investments flow to disadvantaged communities.

Community Benefits Plan summaries should not be more than 3 pages and should highlight specific commitments and proposed community funding.

Proposed Innovative Project Design Concepts that are selected will be invited to prepare a Concept Paper for consideration by the Participating States for submission to DOE in response to the FOA. By submitting a Concept Paper, the proposed project developer is committing to prepare a Full Application that meets the requirements of the FOA, at the developer's sole expense, for one or more Participating States to submit to DOE, if the Concept Paper is encouraged by DOE.

4. Selection Criteria and Process

At the Participating States' discretion, select proposed Innovative Project Design Concept submittals will be evaluated by the Participating States, with technical assistance from ISO New England, and scored in accordance with the criteria described in this section. The evaluation criteria will be guided by the DOE's FOA criteria and weightings in order to identify the Innovative Project Design Concepts that have the highest probability of a GIP award, while also meeting the states' stated goals.

4.1. Impact and Market Viability

The Innovative Project Design Concept will be evaluated based on the following factors:

- The extent to which the Project demonstrates innovative approaches to support deployment goals across transmission system, distribution system, storage, or a combination.
- The extent to which the Project enhances collaboration between eligible entities and owners/operators.
- The extent to which the Project contributes to the Participating States' decarbonization objectives, such as by facilitating the onshore interconnection and delivery of OSW generation.[3]
- The extent to which the Project offers the greatest public benefit with a clear path to replication, scale, and ability to ensure electricity system reliability and/or resilience, provide enhanced system value and economic benefit.
- The extent to which the Project has the potential to deliver near-term impact with a high likelihood of commercial success. This factor considers the status, credibility, and feasibility of the permitting and interconnection plan, as applicable to the Project.
- The potential impact of the Project to increase adoption of innovative approach(es), for example to lead to more widespread deployment of advanced technologies; innovative partnerships; new financial arrangements; increased non-Federal investment; deployment of projects identified by innovative planning, modeling, or cost allocation approaches; and/or innovative environmental siting, permitting strategies, or community engagement practices.
- For Projects that include proposed transmission infrastructure investment, the extent to which the proposed Project achieves the claimed benefits.
- Th extent to which the Project enhances existing regional system reliability, such as relieving transmission system constraints, reducing reliance on stored fuels, improving system resiliency, or other regional benefits.
- The extent to which the Project promotes affordability for New England ratepayers through reduced production costs, diversified supply, avoided infrastructure investment, or other means.
- The extent to which the Project leverages other federal funding opportunities and/or federal financial incentives, including but not limited to the Energy Community Tax Credit Bonus and other Investment Tax Credit provisions.

4.2. Project Plan and Project Financial Feasibility

This criterion involves consideration of the following factors:

- The degree to which the approach and critical path have been clearly described and thoughtfully considered.

[3] New Hampshire does not have a legislated decarbonization goal.

- Demonstrated understanding of the key anticipated risks (e.g., technical, financial, market, environmental, regulatory) involved in the proposed work and the quality of the mitigation strategies to address them.
- The reasonableness of the budget for the proposed Project and objectives, including materials provided to support the accuracy of the proposed Project budget and that clearly identify the sources of figures, including any estimates or assumptions, used in the budget calculations, and evidence that the proposed budget and cost share meets requirements outlined in the FOA.
- The degree to which the Project provides quantifiable enhanced system value and/or provides improved current and future system cost-effectiveness and delivers economic benefit.
- The degree to which the Project demonstrates economic benefit through economic and/or electric system modeling.
- The credibility of the plan to secure funding for at least 50% of the cost, as well as specific proposals for addressing cost overruns if they occur. Proposals that provide for reduced risks and costs to ratepayers will be evaluated favorably.

4.3. Management Team and Project Partners

This criterion involves consideration of the following factors:

- The capability of the Project Manager(s) and the proposed team to manage and address all aspects of the proposed work with a high probability of success.
- The qualifications, relevant expertise, and time commitment of the key individuals on the Project Team.
- The degree to which the respondent includes partnerships with critical entities that will help ensure Project success, as well as any partnerships with entities (including other states).

4.4. Community Benefits Plan

This criterion involves consideration of the following factors:

- The extent to which the respondent has identified the key elected officials and other community representatives, relevant labor unions, community-based organizations that work with disadvantaged communities, and other potentially affected stakeholders.
- The extent to which the respondent demonstrates that the proposed project will create high-quality jobs.
- The extent to which the respondent has identified potential environmental impacts including potential impacts to disadvantaged communities and has proposed feasible mitigation strategies.
- The extent to which the respondent demonstrates an understanding of the central importance of DOE's Justice40 objective, consistent with Executive Order 14008, that

40% of the benefits of climate and clean energy investments flow to disadvantaged communities.

5. Instructions to Respondents

Responses to this Invitational Call must provide all of the information described in this section and in the order specified here.

5.1. Required Contents of Submittal

The submittal requirements listed below incorporate all of the information that would be required for a Concept Paper in accordance with DOE's submission requirements in the first GIP FOA. However, this section 5.1 also requires that respondents provide additional technical and financial information to allow the Participating States to conduct a fulsome evaluation of the Innovative Project Design Concept in accordance with the selection criteria in Section 4. To that end, the Participating States may conduct independent technical, economic, and/or transmission analyses, as appropriate, to evaluate the likelihood that the Innovative Project Design Concept will achieve its stated goals. The Participating States, however, are under no obligation to conduct such analyses on all submissions received.

5.1.1. Respondent Information

Provide the following information:

- Name and address of business entity submitting this Innovative Project Design Concept
- Name and address of other members of the Project Team
- Name, email address, telephone number for primary contact who can represent Project Team
- Name, email address, telephone number for secondary contact who can represent Project Team

5.1.2. Respondent Experience

Describe the proposed Project developer's business and business structure, including all general and limited partners and involvement of any subsidiaries that will comprise the Project Team.

Describe the Project Team's experience developing energy infrastructure projects, including experience in New England and the greater Northeast. Include in this description an explanation of:

- Whether the Project Manager and Project Team have the skill and experience needed to successfully execute the project plan;
- Whether the respondent has prior experience that demonstrates an ability to perform tasks of similar risk and complexity;
- Whether the respondent has worked together with its teaming partners including financing partners on prior projects or programs; and

- Whether the respondent has adequate access to equipment and facilities necessary to accomplish the effort and/or clearly explain how it intends to obtain access to the necessary equipment and facilities.

5.1.3. Innovative Project Design Concept and Technical Description

Provide a concise description of the Innovative Project Design Concept and the policy and/or technical objectives that the proposed Project is intended to address. Explain how the Innovative Project Design Concept advances the goals and objectives of the DOE, of the Participating States, and of the New England region, and if applicable, the Regional Transmission Initiative.

Describe how the proposed Project is an innovative approach to:

- Facilitating the development of an offshore wind grid;
- Providing system resilience and reliability benefits;
- Contributing to states' energy system decarbonization goals or requirements and other electricity sector goals or requirements;
- Enhancing collaboration between and among states, and private and public sector owners and operators to improve regional grid resilience and reliability; and/or
- Avoiding locking the region into a technology, transmission configuration, communications system, market or contract mechanism, or other system or infrastructure that is likely to become obsolete, non-cost effective, or stranded in the future.

Describe the major equipment that will be used in the Innovative Project Design Concept. If the Innovative Project Design Concept involves a new technology or an innovative application of an existing technology, describe the status of the technology development and potential suppliers. If the Project will utilize innovative technologies that are not yet commercially available or typically used for the intended application, describe the expected timeframe for commercialization or adaptation, and any risk mitigation approaches or alternatives in the event that the technology cannot be deployed within the proposed Project timeframe.

Describe any existing or foreseeable supply chain risks or challenges, including as related to material, equipment, or labor, that could affect the delivery of the Innovative Project Design Concept according to the proposed schedule and budget, and any measures proposed to mitigate these risks or challenges to ensure delivery of the Project on time and at or below the proposed cost.

If the Innovative Project Design Concept involves a novel management approach, contract mechanism, control system, model, financing approach, or other innovative deployment, please describe the status and timeline for development, necessary regulatory approvals, and/or other administrative or institutional support.

If the Innovative Project Design Concept has a physical location, identify the proposed project location, including as applicable the project footprint, right(s)-of-way, point(s) of interconnection, and other related infrastructure. As an attachment, please provide relevant maps, schematics, one-line diagrams, and/or other drawings or plans as applicable to illustrate the Innovative Project Design Concept.

If the Project will occupy an onshore and/or shoreline footprint, describe the status of and process for acquiring any real property rights needed to develop the project rights. Identify current ownership, zoning and/or land use designation. Explain whether the project would conform to the zoning and/or land use requirements or whether variances or special permits would be needed.

Provide an environmental characterization of the project site, and environmental impacts associated with the construction and operation of the project. Identify the federal, state, and local environmental and land use permits that will be required to develop the project and the plan for obtaining such permits, including the anticipated timeline for obtaining these permits.

If the proposed Project involves a new interconnection to the transmission system and/or a system upgrade, please provide the following information:

- Queue position in the ISO-NE and/or neighboring RTO interconnection queue.
- Proposed point(s) of interconnection (POI).
- Interconnection status and expected completion date of any interconnection studies underway or that must be undertaken.
- Copies of interconnection studies conducted by ISO-NE and/or technical reports by a qualified third party consistent with ISO-NE interconnection procedures.
- Description of any necessary transmission system upgrades and estimated cost.

Describe any assistance that the respondent will need from ISO-NE or a neighboring RTO to support the design and/or the development of the Innovative Project Design Concept.

5.1.4. Community Benefits Plan

Provide a summary of the proposed Community Benefits Plan.

Describe how the Project intends to deliver measurable community and job benefits. Identify any agreements, letters of intent, or memoranda of understanding that have been negotiated or that the respondent intends to negotiate with any community organization, educational institution, labor organization, public interest group, or state economic development agency. Identify the specific commitments that will be memorialized in such agreements.

Describe any economic benefits that will be created through local investment in supply chain development, training, infrastructure development, or other investments in local business. Identify any agreements, letters of intent, or memoranda of understanding that have been negotiated or that the respondent intends to negotiate with local suppliers, trade

organizations, or other business entities. Identify how these agreements advance goals of diversity, equity, inclusion, and accessibility.

Describe any outreach that has been undertaken with communities that may be impacted by the proposed Project, including any historically disadvantaged communities. Provide any letters of support from community members, if available.

Describe how the respondent intends to meet Justice40, Buy America, and Davis-Beacon Act requirements/goals.

Describe whether and how any portion of the profits from the project will be used for charitable initiative or community benefits, including whether you are partnering with any entities as co-developers of the project to facilitate such shared funding opportunities.

Describe how the respondent will work with the Participating States to develop and implement strategies to meaningfully monitor and report on progress towards the goals outlined in its Community Benefits Plan.

For each of the above, further specify the portion of such benefits, agreements, outreach, investments, profits, partnerships, etc. that have taken or will take place or are expected to accrue within the New England region and to individual New England states.

5.1.5. Project Cost and Timeframe

Provide an initial breakdown of anticipated proposed Project costs, including the margin of error for any cost estimates and any plans to meet the required 50% cost share. Explain the intended mechanism for funding the 50% cost share, and any regulatory approvals that may be required to allocate and/or recover those costs from ratepayers and/or other entities. Describe why the proposed Project requires federal funding to be completed and how federal funding will address the risks identified in this submittal and increase the likelihood of securing additional public and/or private investment. Describe any cost containment the proposed Project is willing to include that reduces the risk to ratepayers. Describe the eligibility of the Project and the amount of the Federal Production Tax Credit or Investment Tax Credit that is assumed to be incorporated in the proposed Project cost estimate. Describe how the benefit of any future favorable tax treatment would be shared with or returned to ratepayers in the Participating States.

Provide a description of the financing plan for the Project, including expected sources of debt and equity financing.

Provide a Project development timeline that demonstrates that the proposed Project can achieve commercial operation in the required 60 to 96-month period of performance. Provide a proposed Project schedule showing the major milestones relating to the critical path for financing, permitting, development, construction, and operation of the Project.

5.2. Submittal Instructions and Process

Please submit Innovative Project Design Concept responses to Joanna.K.Troy@mass.gov, deep.energybureau@ct.gov, ethan.tremblay@maine.gov, Daniel.T.Phelan@energy.nh.gov, and karen.bradbury@energy.ri.gov (include all state recipients on the email submittal). Respondent's submittal is limited to 15 pages excluding resumes and attachments.

The deadline for submittal is **November 17, 2023 at 5:00 PM**.

An Informational Meeting for interested respondents will be held on **October 31, 2023 from 2:00 to 3:00 PM**. A registration link for the Informational Meeting can be found here.

Questions regarding this Invitational Call can be submitted to Joanna.K.Troy@mass.gov, deep.energybureau@ct.gov, ethan.tremblay@maine.gov, Daniel.T.Phelan@energy.nh.gov, and karen.bradbury@energy.ri.gov (include all state recipients on the email). The deadline for receipt of questions is **September 29, 2023 at 5 PM**.

Key Deliverables and Deadlines	
Issuance of Invitational Call for Innovative Project Design Concepts	September 25, 2023
Questions from Interested Respondents	September 29, 2023 at 5:00 PM
Informational Meeting for Interested Respondents	October 31, 2023 at 2:00 PM
Submittal of Innovative Project Design Concepts to Participating States	November 17, 2023 at 5:00 PM
Expected Notification of Selection by Participating States	December 15, 2023
Submittal of Concept Paper(s) to DOE	January 12, 2024
Submittal of Full Application(s) to DOE	April 17, 2024

Respondents must submit complete, unredacted versions of their Innovative Project Design Concepts, which are subject to the confidentiality provisions in Section 5.3. Respondents may also submit versions that redact respondent's confidential information and also redact information that is deemed Confidential Energy Infrastructure Information (CEII). The Participating States may elect to publicly post the redacted versions of the Innovative Project Design Concepts. If respondent does not submit a redacted version, the Participating States will assume that the unredacted version is not confidential.

5.3. Confidential Information

To assist in the evaluation of projects, the Participating States may ask permission to share the Project submission, including confidential information, with ISO New England and the New

England States Committee on Electricity. Restrictions on the ability to share information with these organizations, which would be providing technical assistance to the Participating States, may impede the evaluation of projects and consequently lead to projects not being selected. By granting permission to share the Project submission with ISO New England, respondents agree to allow ISO New England to share confidential information with the Participating States regarding the Project which would otherwise be protected under ISO New England's Information Policy.

Confidential information provided in response to this Invitational Call will be treated as confidential energy information, to the extent permitted by law. Pursuant to MA DOER's authority under Massachusetts General Law Chapter 25A, Section 7, certain energy and other information collected by MA DOER can be maintained for the sole and confidential use of the Commonwealth, its agencies, and offices. MA DOER may also apply any applicable exemption under the Commonwealth's public records law. Energy information collected under this section may be confidentially shared with the energy offices of other states which afford such information similar protection from public disclosure. In the event confidential information is submitted to MA DOER and confidential treatment is not afforded for any reason, by a governmental agency or otherwise, MA DOER shall not be held responsible.

Information provided in response to this Invitational Call will be subject to Connecticut's Freedom of Information Act (CT FOIA) unless a statutory exemption applies. When a respondent submits confidential information to CT DEEP, the respondent acknowledges that CT FOIA governs the public's accessibility to that information. If a respondent believes portions of information submitted in response to this Invitational Call are exempt from CT FOIA disclosure, the respondent must clearly indicate which information is confidential and identify which CT FOIA exemption the respondent believes is applicable to the specific information claimed as confidential.

Examples of CT FOIA exemptions include, but are not limited to:

- Trade secrets, C.G.S. § 1-210(b)(5)(A);
- Commercial and Financial information given in confidence, not required by statute, C.G.S. § 1- 210(b)(5)(B);
- Public records exempt under federal law or state statute, C.G.S. § 1-210(a).

In the event confidential information is submitted to CT DEEP and confidential treatment is not afforded for any reason, by a governmental agency or otherwise, CT DEEP shall not be held responsible.

Respondents acknowledge that information provided in response to this Invitational Call will be subject to all applicable public records requirements, including the Maine Freedom of Access Act (FOAA, 1 M.R.S. §§ 400-414) and that Maine may be required by statute to disclose certain information that is public record. When a respondent submits confidential information to the

Maine GEO, the respondent acknowledges that FOAA governs the public's accessibility to that information. If a respondent believes portions of information submitted in response to this Invitational Call are exempt from FOAA disclosure, the respondent must clearly indicate which information is confidential and identify which FOAA exemption the respondent believes is applicable to the specific information claimed as confidential. In the event that information is submitted to the Maine GEO and it is not confidential per state or federal law, it may be considered a public record subject to FOAA.

By submitting materials, the submitter acknowledges that the New Hampshire Department of Energy (NH DOE) is subject to the Right-to-Know Law, RSA Chapter 91-A. Any materials submitted may be subject to public disclosure unless otherwise exempt.

The NH DOE shall maintain the confidentiality of information contained in materials, insofar as doing so is consistent with RSA Chapter 91-A. Any information a submitter identifies as exempt from disclosure shall be kept confidential until the NH DOE has determined, as necessary, whether such information is exempt from public disclosure pursuant to RSA 91-A.

The parties acknowledge that information provided in response to this Invitational Call will be subject to the State of Rhode Island's Access to Public Records Act ("APRA"), R.I. Gen. Laws § 38-2-1, et seq., and that Rhode Island may be required by statute to disclose certain information that is public record. When a respondent submits confidential information to RI OER, the respondent acknowledges that APRA governs the public's accessibility to that information. If a respondent believes portions of information submitted in response to this Invitational Call are exempt from APRA disclosure, the respondent must clearly indicate which information is confidential and identify which APRA exemption the respondent believes is applicable to the specific information claimed as confidential. All APRA exemptions may be found in R.I. Gen. Laws § 38-2-2-4. In the event confidential information is submitted to RI OER and confidential treatment is not afforded for any reason, by a governmental agency or otherwise, neither RI OER nor the State of Rhode Island shall be held responsible.

The parties acknowledge that information provided in response to this Invitational Call will be subject to the State of Vermont's Access to Public Records Act ("Public Records Act"), 1 V.S.A. § 315 et seq., and that Vermont may be required by statute to disclose certain information that is public record. When a respondent submits confidential information to Vermont DPS, the respondent acknowledges that the Public Records Act governs the public's accessibility to that information. If a respondent believes portions of information submitted in response to this Invitational Call are exempt from Public Record Act disclosure, the respondent must clearly indicate which information is confidential and identify which Public Records Act exemption the respondent believes is applicable to the specific information claimed as confidential. All Public Records Act exemptions may be found in 1 V.S.A. § 317. In the event confidential information is submitted to Vermont DPS and confidential treatment is not afforded for any reason, by a governmental agency or otherwise, neither Vermont DPS nor the State of Vermont shall be held responsible."