



Portland General Electric
121 SW Salmon Street • Portland, OR 97204
portlandgeneral.com

May 11, 2021

Public Utility Commission of Oregon
Attn: Filing Center
201 High Street, SE, Suite 100
P.O. Box 1088
Salem, OR 97308-1088

RE: UM 1020 – Portland General Electric Company’s Request for Proposal for Retail Marketing Services for Residential and Small Commercial Voluntary Renewable Energy Program and Acquisition of Renewable Energy Certificates to Offset Participant Usage

Portland General Electric Company (PGE) submits the revised draft of its Request for Proposal (RFP) for Retail Marketing Services, Outreach Services, and/or Renewable Energy Certificate Supply for PGE’s Residential and Small Commercial Renewable Energy Products. PGE’s current contracts expire December 31, 2021. Due to the absence of the Commission’s Portfolio Options Committee, PGE is filing this final revised draft after receiving feedback on the original draft, filed on April 13, 2021. On April 30, 2021, it was discovered that the RFP initially filed, was not confidential and needed to be accessible for public viewing on the OPUC website. The RFP had language about confidentiality in general, however, the RFP is not confidential, and PGE removed all footnotes stating the RFP is confidential. PGE gave stakeholders 13 business days to provide feedback on its draft RFP. Commission Staff was the only respondent and provided one suggestion. PGE included the minor change on page 7. No changes were made to any other documentation except for the main RFP document that is being filed. All accompanying attachments can be found in the April 30 filing.

Please direct questions or comments regarding this filing to Casey Manley at (503) 464-8258. Please direct your communications related to this filing to the following email address: pge.opuc.filings@pgn.com

Sincerely,

/s/ Robert Macfarlane

Robert Macfarlane
Manager, Pricing & Tariffs

Enclosure
cc: Eric Shierman, OPUC Staff
Sarah Hall, OPUC
UM 1020 Service List



REQUEST FOR PROPOSAL

**Retail Marketing Services, Outreach Services, and/or Renewable
Energy Certificate Supply for PGE's Residential and Small Commercial
Renewable Energy Products**

dated

05/20/2021

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SECTION 1: INTRODUCTION

Introduction

Portland General Electric Company (PGE) is Oregon's largest electric utility and has provided electricity to customers in the northern Willamette Valley since 1889. Headquartered in Portland, Oregon, PGE has more than 130 years of experience in the generation, transmission and distribution of electricity, supplying power to a population of over 1.9 million people, with approximately 772,389 residential, 109,107 commercial customers, and 270 industrial customers within a 4,000 square-mile service territory, including 51 Oregon cities. (2018 PGE Quick Facts)

As an investor-owned utility, PGE is regulated by the Oregon Public Utility Commission (OPUC) under its Orders and is also subject to the Federal Energy Regulatory Commission's (FERC) Affiliate Restrictions and Standards of Conduct. These rules, generally, prohibit PGE from providing preferential treatment, unfair competitive advantage, or non-public proprietary utility information to PGE's affiliates. In connection with performing the services as described in this RFP, Bidder will be expected to comply with all affiliate rules that may apply.

Please visit the company web site at www.portlandgeneral.com for more detailed information. A service area map depicting PGE's service coverage area as well as other pertinent company information may be found on the company web site under the "PGE at a Glance" link found in the navigation at the bottom of the page.

General Description of Request

Portland General Electric Company ("PGE") seeks your proposal for marketing, outreach, and/or Renewable Energy Certificate ("REC") supply for PGE's Green Future Choice and Green Future Block products for the January 3, 2022 – December 31, 2024. Bidders may respond to any combination of those services ("RFP").

The term "Bidder" shall mean any person or company receiving this RFP or submitting a proposal in response to this RFP.

PGE Representative

The PGE Representative for all correspondence related to this RFP is as follows:

Sasha Froblom
Portland General Electric
121 SW Salmon Street, 1WTC0505
Portland, OR 97204
Phone: (503) 464-2822
Email: sasha.froblom@pgn.com

To ensure timely and adequate consideration of your proposal, Bidders are asked to limit all contact, whether verbal or email, pertaining to this RFP, to the designated PGE Representative above for the duration of the RFP process. Failure to comply with this request will compound the complexity of this project and may jeopardize PGE's ability to meet the timeline. Bidders who are currently engaged with PGE as part of their existing services are asked to limit communication with PGE to existing services. Any

communication to other PGE individuals regarding this RFP without the approval of the PGE Representative may immediately disqualify Bidder.

Questions

Questions should be consolidated into one submittal in the attached Question and Answer document and sent to the PGE representative above by the question deadline as indicated in the RFP Timeline below. Confirmation of receipt will be provided. Only questions received by the question due date will be responded to, and all questions and their associated responses will be provided to all Bidders involved. It is Bidder's sole responsibility to ensure that no confidential information is provided within the questions, and Bidder agrees and understands that this information will be shared with all Bidders involved. Bidders will receive responses to those questions that PGE is able to answer by the answer date denoted in the RFP Timeline below.

PGE Philosophy

PGE is committed to its Core Principals of Safety & Health, Continuous Improvement, Ethical Business Practices, Diversity & Inclusion, Community Investment, and Environmental Stewardship. We can only achieve success as a company and as individuals by adhering to these values and complying with the laws, rules and regulations that apply to our business. It is critical that all of our employees and contracted suppliers do this every day.

SECTION 2: SCOPE OF WORK

Detailed Description of Project

Background on PGE's Green FutureSM Programs

For more than 20 years, PGE has offered customers options to "green" their energy. Today, three voluntary renewable energy products and an additional environmental product are available to eligible (have not been disconnected due to late bill payment within previous 12 months) Residential and Schedule 32 Small Commercial Customers ("Customers") under the "Green Future" program umbrella:

1. **Green Future Block** Customers can purchase 200 kilowatt-hour (kWh) "blocks" of wind power for \$2.50/month. Program funds remaining after covering the cost of marketing, program administration, and REC supply are allocated to a Renewable Development Fund and used to support the construction of new renewables in Oregon.
2. **Green Future Choice** (*most popular*) offers Customers the ability to cover 100% of their usage with renewable power, currently for an additional \$0.008 per kWh over and above the Customer's basic cost of service rate. Program funds remaining after covering the cost of marketing, program administration, and REC supply are allocated to a Renewable Development Fund and used to support the construction of new renewables in Oregon.
3. **Green Future Solar** (*sold out*) Customers may purchase 100% solar energy in 1 kW blocks of capacity for \$5.00/month. Each block generates a projected 1,200 kWh each year. This product is sourced from a local solar project in Willamina, OR and has a cap of 2,935 kW block enrollments and is currently fully subscribed. The product is set to expire at the end of 2022.
4. **Habitat Support** is an environmental product available only to Customers enrolled in at least one of the Green Future options. Customers enrolled in this option pay an additional \$2.50 each month to support native fish habitat restoration projects in Oregon. Habitat funds are administered by a non-profit partner, currently The Nature Conservancy.

Customers may participate in multiple programs at the same time. Participation is voluntary. Customers must proactively opt-in to participate and may drop from the program at any time with no penalty.

Customers choosing Green Future Block and/or Green Future Solar (“Block Products”) may elect to purchase multiple blocks per month. Participants continue to pay the cost of basic service plus an incremental per kWh amount (Green Future Choice) that will fluctuate each month with their actual electricity use or a fixed amount (Green Future Block) that will remain consistent each month.

Bidder(s) selected for Marketing and/or Outreach Services will be expected to offer the Habitat Support option alongside Green Future Choice and Green Future Block options. In addition, support may be requested to keep Green Future Solar fully subscribed as a result of natural customer attrition from moves and drops and/or to transition Green Future Solar participants to an alternative product as it expires at the end of 2022.

Green Future revenue must cover all program costs, including marketing and administrative costs and the cost of purchasing RECs to match customer demand. As such, PGE is a steward of Customer dollars and seeks to ensure they are used responsibly to promote Customers’ interests of driving demand for new renewable energy generation in their region and while keeping participation rates accessible for a broad diversity of utility customers. Retail rates for Green Future products are subject to change but to do so requires the approval of the Oregon Public Utilities Commission.

PGE also offers a voluntary renewable program to large commercial and industrial customers (PGE tariff Schedule 54) called Green Future Enterprise. Work on this product is not included in this RFP.

PGE’s Green Future Products are industry leading, ranked #1 in total participants for 11 years, total Megawatt-hour (MWh) sales for 8 years, participation rate for 6 years, and green sales rate for 5 years on the National Renewable Energy Lab’s (NREL) top ten lists (<https://www.nrel.gov/analysis/assets/pdfs/2019-archive-top10.20200925.pdf>).

Information on PGE’s Green Future program can be found at <https://portlandgeneral.com/greenfuture>

Tariffs for PGE’s portfolio Green Future products can be found at

- Residential (Schedule 7):
https://assets.ctfassets.net/416ywc1laqmd/6RgTNk5RU1bldl0LdPpIY9/05085a3a56c39b537e8193e0e82ad967/Sched_007.pdf
- Small Business (Schedule 32):
https://assets.ctfassets.net/416ywc1laqmd/4CBP1s8kyYcAKxIVeCTxEf/3fb8c1ac5c7da371eafb4ea952230296/Sched_032.pdf

Green Future products are Green-e® Energy certified by the non-profit Center for Resource Solutions. On an annual basis, all marketing is subject to a marketing compliance review and REC supply is audited. Bidders seeking to support marketing, outreach, and/or REC supply are expected to support respective activities and act as a partner to ensure compliance with the Green-e® Energy National Standard and Code of Conduct. These documents are available at <https://www.green-e.org/programs/energy/documents>.

PGE expects REC demand to continue to grow by ~11% per year on average through the 2022-2024 contract period.

Currently, the program experiences approximately 16% annual attrition rate with most drops associated with customers leaving the service area.

Program participation and MWh sales from the past three years are provided in the chart below

	Green Future Choice			Green Future Block		
	2018	2019	2020	2018	2019	2020
Residential						
Eligible Customers	776,207	768,052	792,610	776,207	768,052	792,610
Participants	196,160	216,445	222,169	7,449	7,080	6,706
MWh Sales	1,485,412	1,758,704	1,920,573	21,490	18,599	18,828
Small Business						
Eligible Customers	92,279	91,918	93,592	92,279	91,918	93,592
Participants	2,851	3,115	3,330	171	159	229
MWh Sales	46,532	49,951	45,598	751	479	555
Total						
Eligible Customers	868,486	859,970	886,202	868,486	859,970	886,202
Participants	199,011	219,560	225,499	7,620	7,080	6,935
MWh Sales	1,531,944	1,808,656	1,966,172	22,241	19,078	19,383

Marketing and Outreach services

Bidders should seek to grow new program participation and retain current participants at a rate that would, at minimum, maintain PGE’s #1 NREL ranking for total participants through the contract term. Bidders should also recommend an approach that increases customer awareness of their renewable energy options and provides equitable access to a customer-friendly enrollment experience across customer segments.

In recent years, 94% of new enrollments have come from person-to-person channels, including inbound calls through PGE’s customer contact center and a suite of outreach tactics including door-to-door, storefront and event tabling. While this approach has largely been successful, it has some limitations. PGE estimates that approximately 33% of customers are not reachable via door-to-door campaigns because they may live in more rural, less walkable areas or secure access condo/apartment buildings. While outbound calling (established in 2021) will provide an opportunity to target additional customers who might not be reachable via door-to-door, PGE would like to explore opportunities to unlock new and efficient growth and awareness potential across digital and even paper tactics as a way of reaching all customers effectively and efficiently. PGE expects to continue to utilize outreach as a central strategy to reach customers and in recognition of the unique skillset required in a vendor to successfully deliver that service, have structured this RFP to accept bids for one or both of Marketing and/or Outreach Services. Pricing will be requested separately to ensure bids can be clearly evaluated.

Marketing Services should include the overarching growth strategy for all non-outreach acquisition and retention tactics.

Outreach Services should include the strategy and execution for all outreach channels which may include any combination of door-to-door, event tabling, storefront tabling, and/or outbound calling.

Bidder(s) selected for Marketing and / or Outreach Services will be expected to work in close partnership with PGE staff and each other, if applicable, to support an overall team approach to delivering the highest quality experience to customers and program results.

The program has benefitted from a variety of acquisition and retention tactics conducted and/or supported by an existing Marketing and Outreach partner and PGE’s internal marketing staff. The

following is a snapshot of such channels and tactics but is not prescriptive. Bidders are expected to define what is included in their Marketing and / or Outreach plans.

- Outreach services
 - Tabling at storefronts and community events
 - Door-to-door canvassing
 - Outbound calls
- Print and digital acquisition tactics
 - Direct mail
 - Email
 - Bangtails & bill inserts
- Digital marketing
 - Digital strategy
 - Digital advertising
 - Social media content creation
 - Microsite development and hosting
- EPA Green Power Community Challenges
- Miscellaneous consulting & support services
 - Product and/or marketing innovations
 - Reporting to and working with oversight groups such as the Portfolio Options Committee and Oregon Public Utilities Commission staff
 - Green-e® Energy marketing compliance and annual Marketing Compliance Review
 - Data analysis for promotion planning, evaluation, and customer churn
- Utility-led acquisition channels
 - Customer Contact Center
 - New Customer welcome packets
 - Utility website
- PGE Customer Contact Center support
 - Training
 - Incentives development and management for PGE Customer Contact Center representatives
- Retention tactics:
 - A welcome letter that includes a renewable power window decal
 - Program newsletter
 - A coupon booklet (print and mobile) containing discount coupons for retail products and services from businesses that purchase renewable power

The OPUC and, historically, a stakeholder committee called the Portfolio Options Committee (POC) review and may audit program costs and outputs, including marketing and administration costs. Prospective Bidders are advised that such review may extend to the Bidder's costs and programs related to the contract awarded as a result of this RFP.

REC Supply

PGE will be providing ~800,000 RECs annually from their Wheatridge wind, solar, and battery storage facility in Oregon through the end of 2024. Find more background on the Wheatridge facility and agreement to supply the Green Future program with RECs here:

<https://apps.puc.state.or.us/orders/2020ords/20-482.pdf>

The selected Bidder will be required to purchase and supply RECs that satisfy the remaining Green Future Choice and Green Future Block participant demand in Green-e reporting years 2022, 2023, and 2024. RECs must align with PGE's tariff schedule requirements and adhere to Green-e® Energy national standards, including establishing and managing to the mix of renewable resources disclosed in annual

product content labels. The final Bidder will also be responsible for verifying and tracking RECs used to support the programs. Bidders are encouraged to present a broad range of supply strategies and pricing options.

PGE's purchasing preference includes (in numbered order):

- Geography:
 - 1.) PGE's service area
 - 2.) State of Oregon
 - 3.) Pacific Northwest (OR, WA, ID)
 - 4.) Western Electric Coordinating Council (WECC)
- Renewable Resource:
 - 1.) Wind
 - 2.) Solar
 - 3.) Geothermal
 - 4.) Low-Impact Hydro
 - 5.) Biomass

Minimum Acceptance Criteria (May submit for Outreach Services, Marketing Services, or REC Supply, or any combination of two, or all three)

Outreach Services

- A. Knowledge of local market and PGE service territory
- B. Experience with environmental claims (i.e. FTC Green Guides, Green-e® Energy)
- C. Experience marketing environmental products (i.e. carbon offsets, RECs, etc)
- D. Previous work experience with regulated industries (i.e. utilities, financial, etc)
- E. Ability to assign multi-lingual staff, especially Spanish-speaking, to conduct outreach
- F. Experience with adhering to door-to-door solicitation laws and the Telephone Consumer Protection Act (if outbound calling)
- G. Experience designing and conducting quality assurance audits and addressing/reducing customer complaints

Marketing

- A. Experience with multi-language marketing, especially Spanish
- B. Experience with environmental claims (i.e. FTC Green Guides, Green-e® Energy)
- C. Experience marketing environmental products (i.e. carbon offsets, RECs, etc)
- D. Previous work experience with regulated industries (i.e. utilities, financial, etc)
- E. Experience creating and launching marketing plans
- F. Experience with the use of various marketing channels, including but not limited to digital and paper channels

REC Supply

- A. Previous experience supplying Green-e® Energy certified RECs to meet voluntary Green Power Programs
- B. Previous experience working with CRS for Green-e® Energy certification, specifically with Annual Verification Audit (preferred)
- C. Extensive experience sourcing, purchasing, and providing market intelligence on RECs to utility staff, with particular focus on RECs sourced from the Pacific Northwest region
- D. Utilization and understanding of WREGIS for REC transfers and retirement

Information Security (Applies to all Bidders handling PGE data)

-
- E. PGE data is encrypted data at-rest and in-transit using algorithms and key lengths that meet the NIST SP 800-32 guidelines
 - F. PGE data would be logically segmented or otherwise separate from other tenant data
 - G. Bidder access to PGE data is limited through the principles of Least Privilege and Segregation of Duties
 - H. Access policies regarding PGE data are enforced through procedural and automated control mechanisms
 - I. Activity in relation to PGE data is logged in sufficient detail to identify the who, what, where, and when and is retained for at least one year
 - J. If PGE employee access is required, you support integration with PGE's federated identity management solution (aka Single Sign-On) or Multi-factor Authorization (MFA)
 - K. Cybersecurity insurance with a minimum limit of \$5,000,000 per claim
 - L. Data Center used to house PGE data are considered a tier 2 or higher based on the Telecommunications Industry Association (TIA)-942 or equivalent standard
 - M. Bidder has a formalized and documented Information Security Program with implemented controls based off industry best practices such as National Institute of Standards and Technology (NIST), Center for Internet Security (CIS), and Cloud Security Alliance (CSA)
 - N. Malware security
 - O. Disaster recovery and business continuity processes, procedures, and controls

Incorporated Documents

The following documents are hereby incorporated into this RFP by reference.

1. Portland General Electric Master Purchase Agreement.
2. Exhibit A.1 –OR- Exhibit A - PGE Contractor Insurance Requirements
3. PGE Data Security Addendum
4. Submittal Part 1- Proposal Letter
5. PGE Question and Response Form
6. Pricing Workbook
7. Supplier Diversity Spend Plan Template

Statement of Confidentiality

This document may contain proprietary and confidential information. All data submitted is provided in reliance upon the recipient's agreement not to use or disclose except in connection with its business dealings with PGE. The recipient of this document agrees to inform its present and future employees who receive or have access to the information contained in this document of its confidential nature, and to instruct each employee that he or she must not disclose any information concerning this document to others except to the extent that such matters are generally known to, and are available for use by, the public. The recipient of this document agrees that it will not duplicate or permit others to duplicate any material contained herein except for its own internal use.

BY ACCEPTING THIS DOCUMENT, RECIPIENT AGREES TO BE BOUND BY THE FOREGOING STATEMENT.

SECTION 3: PROPOSAL REQUIREMENTS

RFP Timeline

The following dates have been established as milestones for this RFP. PGE reserves the right to modify or change this timeline at its absolute discretion. Bidders who are responding to this RFP should time their correspondence with PGE in accordance with these milestone dates.

Date	Activity
May 20, 2021	RFP issued to Bidders via email invitation
May 26, 2021	Acknowledgement of intent to bid via Email returned
June 4, 2021	Bidders submit questions via email by 2:00 PM , Pacific Time
June 16, 2021	PGE's responses to questions released to all Bidders via email by 5:00 PM , Pacific Time
July 2, 2021	RFP responses due by 2:00 PM , Pacific Time
July 21, 2021	RFP Stakeholders to review and evaluate proposals, check references, and determine finalist candidates (if necessary)
Week of August 2, 2021	Finalist Bidder Presentations (if necessary)
August 18, 2021	Initiate contract negotiations and final Statement of Work detail
October 2021	External Bidder Selection/Contract Execution
January 3, 2022	Launch marketing and/or outreach plan(s)

Complete Proposal

Each Bidder's proposal will be evaluated on the completeness of the information provided. For full consideration, each proposal must respond to all mandatory requirements below or it may be deemed non-responsive.

Proposal Format

Please provide the following information completely and accurately and in the format provided. The purpose of this format is to allow PGE to evaluate the Bidder responses quickly and accurately and to help ensure the Bidders have responded fully to the requirements. Compliance to this format will enable us to locate the required information for verification and analysis.

List of Required Submittals

A complete proposal includes submittal of the documents listed in Submittal Parts 1 - 3, as follows:

Submittal Part 1

Proposal Letter (Return in PDF format)

Bidder must complete and sign the Proposal Response Letter included with this RFP. A copy of this letter must be submitted to the identified PGE Representative upon submitting your company's proposal.

Submittal Part 2

Please provide the following information completely and accurately and in the format requested. The purpose of this format is to allow PGE to evaluate the Bidder responses quickly and accurately and to help

ensure the Bidders have responded fully to the requirements. Compliance to this format will enable PGE to locate the required information for verification and analysis.

No pricing information is to be provided in Submittal Part 2. A complete proposal includes submittal of the documents listed, as follows.

Bidders may provide proposals to Marketing, Outreach, and/or Supply services. Some sections are only required for Bidders seeking to provide one or more of those services and are identified in parenthesis, as applicable.

Technical Capabilities

1.0 Company Information (All Bidders to complete)

- 1.1 State the service(s) included with your bid (i.e. Marketing Services, Outreach Services, and / or REC Supply)
- 1.2 Provide Bidder's company overview, product/service offering, and number of years Bidder has been in business, and number of companies utilizing your services
- 1.3 Describe Bidder's affiliation with other companies and listing of industry associations
- 1.4 Provide Bidder's Headquarters location, other office locations, and local staff presence
- 1.5 Describe any unique features, technology, strategy, etc., that sets Bidder apart from other firms
- 1.6 Describe Bidder's approach to corporate responsibility, including efforts to promote diversity, equity, and inclusion.

2.0 Experience (All Bidders to complete)

- 2.1 Describe Bidder's experience with
 - 2.1.1 Working with utilities including: Utility name, location of utility, number of customers served by utility, description of services, duration of contractual relationship, product type (i.e. REC-based, community solar, etc), participation growth during that time
 - 2.1.1.1 If Bidder has not worked with other utilities, please describe experience working with regulated industries and how that experience would translate well to the services requested in this RFP. Include as much applicable, like-information as what is requested of those with utility experience
 - 2.1.2 Reporting to regulatory bodies and/or community stakeholder groups
 - 2.1.3 (Marketing and/or Outreach Services Bidders) Complying with FTC Green Guides and Green-e[®] Energy requirements, including supporting the successful completion of Green-e[®] Energy Marketing Compliance Reviews
 - 2.1.4 (Marketing and/or Outreach Services Bidders) Multi-language (especially Spanish) marketing and / or outreach services
 - 2.1.5 (Marketing and/or Outreach Services Bidders) Collaborating with other vendors who serve Bidder's client(s)
- 2.2 Describe non-compete policies
- 2.3 Describe conflict of interest policies and identify any potential conflicts that could result from Bidder's proposal(s) being selected

3.0 Marketing Services (Marketing Services Bidders to complete)

- 3.1 Propose Bidder's detailed **marketing plan** to increase Green Future program participation and awareness. The proposed plan should include, at minimum:
 - a. Process for strategy development, execution, and measuring success

-
- b. Expected use of various marketing acquisition, awareness, and retention tactics. Please list all tactics included in the plan, channels used, and expected annual volume of customers to be reached by each tactic
 - c. Expected participation results over the contract period, including total participation and gross adds per year by customer segment and tactic
 - d. Description of how marketing revenue would be allocated between acquisition tactics, retention tactics, and administration
- 3.2 Describe Bidder's plan for engaging/coordinating with various departments within PGE, including the following:
- 3.2.1 PGE's Marketing and Communications Department to ensure brand alignment, coordinate timing of efforts, and any expected PGE staff resource requirements to execute marketing and/or outreach plans
 - 3.2.2 Approach or expected utilization of any cross-product marketing and/or outreach efforts (among PGE's other products and services)
 - 3.2.3 Expected use and training of appropriate PGE personnel, specifically PGE's Customer Contact Center, and a description of Bidder's relevant experience working with call centers
- 3.3 Describe Bidder's reporting capabilities, and statement of data requirements from Bidder
- 3.4 Describe how Bidder will apply Diversity, Equity, and Inclusion best practices to their marketing plan
- 3.5 As an appendix, provide samples of digital and print marketing materials developed to acquire new participants as well as retain existing ones
- 3.6 Provide a detailed project timeline which identifies the milestones required to launch a marketing plan by January 3, 2022

4.0 Outreach Services (Outreach Services Bidders to complete)

- 4.1 Propose Bidder's detailed **outreach plan** to increase Green Future program participation and awareness. The proposed plan should include, at minimum:
 - a. Include the geographic areas, tactics planned in those areas, expected annual volume of customers targeted and reached by each tactic
 - b. Expected gross adds per year by customer segment and outreach tactic
 - c. Describe how resources would be allocated by customer segment and outreach channel
- 4.2 If applicable, describe Bidder's process for identifying event / tabling opportunities, engaging the public at events, and developing community partnerships to help promote the program
- 4.3 Describe Bidder's approach to ensuring high customer satisfaction levels including any staff training program, quality controls, customer service policies, and employee codes of conduct
- 4.4 Describe Bidder's process for following-up on customer complaints and escalated issues, including timeline for resolution
- 4.5 Describe Bidder's process for validation of enrollments and fraud prevention
- 4.6 Describe Bidder's reporting capabilities and statement of data requirements from Bidder
- 4.7 Describe how Bidder will apply Diversity, Equity, and Inclusion best practices to their outreach plan
- 4.8 Provide a detailed project timeline which identifies the milestones required to launch an outreach plan by January 3, 2022

5.0 Information Security (All Bidders handling PGE data to complete)

- 5.1 Please describe Bidder's information security protocols and/or how Bidder would secure PGE's information through the following methods:
 - 5.1.1 PGE data is encrypted data at-rest and in-transit using algorithms and key lengths that meet the NIST SP 800-32 guidelines

-
- 5.1.2 PGE data would be logically segmented or otherwise separate from other tenant data
 - 5.1.3 Bidder access to PGE data is limited through the principles of Least Privilege and Segregation of Duties
 - 5.1.4 Access policies regarding PGE data are enforced through procedural and automated control mechanisms
 - 5.1.5 Activity in relation to PGE data is logged in sufficient detail to identify the who, what, where, and when and is retained for at least one year
 - 5.1.6 Data Center used to house PGE data are considered a tier 2 or higher based on the Telecommunications Industry Association (TIA)-942 or equivalent standard
 - 5.1.7 Bidder has a formalized and documented Information Security Program with implemented controls based off industry best practices such as National Institute of Standards and Technology (NIST), Center for Internet Security (CIS), and Cloud Security Alliance (CSA)
 - 5.1.8 Malware security
 - 5.1.9 Disaster recovery and business continuity processes, procedures, and controls

6.0 REC Supply (Complete the following questions if bidding into REC Supply)

- 6.1 Bidder's experience and qualifications for supplying RECs to meet Green Future Choice and Block customer demand during the contract term
- 6.2 Bidder's experience in procuring RECs that comply with Green-e® Energy National Standard and supporting the successful completion of annual Green-e® Energy Verification Audits
- 6.3 Describe Bidder's process to provide REC market intelligence and subsequent recommendations for supply strategies to mitigate price volatility
- 6.4 Describe Bidder's supply strategy to
 - 6.4.1 Mitigate price volatility or supply volumes during the term of this agreement
 - 6.4.2 Demonstrate certainty of the availability of RECs sufficient to meet customer demand requirements over the contract term
 - 6.4.3 Innovate and procure RECs to meet or exceed the preferences of PGE customers for local, additional, affordable, and impactful renewable energy projects
- 6.5 Bidder's recommendation for how PGE can coordinate delivery of Wheatridge RECs to enable Bidder to manage overall REC demand and annual Green-e® Energy product content labels.
- 6.6 Process to evaluate/measure the effectiveness of the agreed upon sourcing strategy
- 6.7 Plans for sourcing and transferring eligible RECs to PGE sufficient to meet the prior year's customer load by March 31 or earlier of the subsequent year

7.0 References (All Bidders to complete)

- 7.1 Please provide at least two (2) client references whose requirements are most similar to the current needs outlined within this RFP. THESE CLIENT REFERENCES MUST BE UNITED STATES-BASED AND OPERATED, AND PREFERABLY BE AN ELECTRIC UTILITY COMPANY. Each reference provided must be callable upon request and must provide the following minimum information: (1) Company Name, (2) Contact Name, (3) Contact Title, (4) Contact Phone Number, and (6) Contact Email.

8.0 Project Team (All Bidders to complete)

- 8.1 Key contact information - the name, phone number, and email address of the individual who will serve as a primary point of contact at Bidder's company for the purposes of this RFP
- 8.2 Name, title, location, and experience of each project member, with key local individuals identified

Submittal Part 3

Bidder must provide the following information in separate documents from the Proposal Letter and Submittal Part 2, Technical Capabilities. Upon award, some of the information included with this submittal will become part of the final contract documents.

Commercial Proposal

1.0 Bidder Financial Information (All Bidders to complete)

- 1.1 Bidder's exact legal name of the firm
- 1.2 Bidder's form of legal entity under which business is conducted
- 1.3 Bidder's Federal Tax Identification Number (TIN)
- 1.4 Bidder's physical address for the legal entity identified
- 1.5 Provide copies of Bidder's audited annual financial statements for the two most recently completed fiscal years
- 1.6 List all major investments in the last two years relative to asset acquisition, capital infrastructure upgrades, etc. as it relates to the scope of this RFP
- 1.7 Provide Bidder's most current financial ratings from Moody's. Please identify any changes in ratings in the last two years
- 1.8 Provide Bidder's most current financial ratings from Standard & Poors. Please identify any changes in ratings in the last two years
- 1.9 Provide Bidder's Dun and Bradstreet number and current ratings
- 1.10 Indicate any involvement in any sale, merger or acquisition activity. If any, please explain

2.0 Marketing and/or Outreach Pricing (Marketing and/or Outreach Services Bidders to complete)

Pricing is requested, at minimum, in a price per megawatt-hour (MWh) sold format. The price per MWh should be based off the entire program's MWh sales and not just those tied directly to enrollments brought in by acquisition tactics during the contract term. PGE's expectation is that the selected Bidder(s) would be aligned to balance investments in retention tactics with acquisition tactics to support a holistic approach to program management and be responsible stewards of customer funds. Please see historic MWh sales information in the Program Background section of the RFP for data needed to complete this analysis. Assume payments would be administered monthly.

Bidder must complete the Pricing Workbook and include as a separate attachment in the appendixes of Bidder's Submittal #3, Commercial Proposal. Bidder must complete each sheet in the Pricing Workbook, including Cost of Services, Staffing Resource Plan, and Expense Allocation.

- 2.1 PGE intends to establish performance guarantees with the winning Bidder(s) tied to customers reached annually. Please describe how many customers Bidder could commit to reaching annually. Please include any alternative or additional performance guarantees Bidder would recommend.
- 2.2 Please describe any PGE resources that would be needed to support Bidder's Marketing and/or Outreach Services that are not already detailed in the "Expense Allocation" sheet of Bidder's Pricing Workbook.
- 2.3 If applicable, describe alternative pricing proposal or proposed format of payments associated, including any payment schedule based on specific milestones or deliverables and criteria for completion. Note: PGE will not agree to Contract Execution Milestones (where PGE would be required to remit payment for simply signing a contract).

3.0 REC Pricing (REC Bidders to complete)

- 3.1 Describe Bidder's pricing options, including estimated price per REC, and any brokerage fees
Please include
- Proposed price per REC for approximately 1,300,000 megawatt-hours, including a ~11% average yearly growth estimate for the contract period
 - Delivery schedule, REC resource(s) and geography
 - Options for both a fixed pricing strategy for the length of the contract and a variable market-based pricing strategy
 - Fixed pricing strategies should include at least two options, one that focuses on the lowest cost approach (while still remaining 100% WECC) and another that focuses on the highest Pacific NW and Oregon-specific content while still extending a price premium that would be accessible for current and potential Green Future participants
- 3.2 Describe how supply strategies may be impacted by a fixed pricing strategy for the length of the contract vs a variable market-based pricing strategy
- 3.3 If applicable, itemize and explain rationale for any anticipated costs associated with integrating Wheatridge supply into the overall annual product content

4.0 Payment Terms (All Bidders to complete)

- 4.1 Bidder shall quote one of PGE's preferred payment terms below. Quoted payment terms and associated discounts will be considered in the commercial evaluation
- Virtual Card, NET 15
 - Net 45 Days, paid via ACH

5.0 Terms and Conditions (All Bidders to complete)

- Purchase agreement(s) that result from this RFP, if any, shall be governed by the Terms and Conditions accompanying this RFP, which is incorporated herein by this reference. If Bidder has already executed an Agreement which may serve to cover the goods or services contemplated by this RFP, Bidder should include a copy of their existing Agreement as part of the response.
- Bidders should state clearly if they fully agree with PGE's Terms and Conditions, and any revisions and/or exceptions proposed by Bidder to PGE's Terms and Conditions must be submitted in a redline markup of the PGE Terms and Conditions Word file and returned with the proposal.
- The extent and nature of any exceptions will be considered in the evaluation process and will be scored accordingly; as PGE expects aggressive timelines to expedite the work or materials associated with the RFP, Bidder's response to the Terms and Conditions that indicates a potentially protracted negotiation, and thereby a negative impact on those expected timelines, will be negatively evaluated.
- Bidder's separate terms and conditions are not considered specific exceptions and will not be accepted. PGE's Terms and conditions may be negotiated, but EXCEPTIONS to the terms and conditions that accompany this Request for Proposal must be submitted with pricing information.
- Any final written agreement will govern all aspects of a relationship between Bidder and PGE and nothing herein shall be interpreted otherwise. No person has authority to bind PGE or interpret the rights of prospective Bidders either through this document or through any other oral or written statements not found within the final, written agreement.

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- Any exceptions to the Terms and Conditions submitted by Bidder after the deadline for the RFP response will be rejected by PGE, and Bidder's continued insistence on such exceptions may be grounds for Bidder's disqualification.
 - Bidder shall not substitute, nor use a preprinted reference to Bidder's general terms and conditions in lieu of PGE's Terms and Conditions. Any proposal received with such substitution shall be considered non-responsive and may be subject to rejection.

6.0 **Supplier Diversity (All Bidders to complete)**

PGE is committed to fostering a diverse and inclusive procurement process that is based on a supplier's ability to meet the company's performance, price and quality requirements. One way of demonstrating this is by ensuring equal opportunity for qualified minority-owned, women-owned, disabled veteran-owned and emerging small business enterprises (MWESB) suppliers. These businesses are vitally important to the overall success of our company. We strongly encourage our prime contractors and major suppliers to support this supplier diversity focus through identifying and extending opportunities to diverse supplier sub-contractors and businesses (i.e. 'Tier 2' awards).

In this light, please complete the Supplier Diversity Spend Plan included with this RFP. If you cannot provide a spend plan (or if it is 'zero'), please identify steps taken to seek opportunity and why they weren't successful.

Submission of Proposals

Email the required submittal documents and any relevant supplementary materials, to the PGE Representative identified above. Email should include the following subject: "**(Bidder Name) – RFP dated 05/20/2021, Due Date – July 2, 2021**". Proposal is due by no later than **2:00 PM**, Pacific Time on proposal due date. Please limit the size of the email message(s) to **10MB**. Multiple emails may be used for submission, if necessary. Confirmation of receipt will be provided via email.

Any proposal received after 2:00 P.M. PST on the bid due date shall be considered non-responsive, and may be excluded from award consideration. It is the Bidder's sole responsibility to ensure that delivery of the proposal is made before the specified due date and time. Delivery in any other mode, method or manner and to any other PGE location shall NOT constitute compliance with the RFP Submittal Requirements set forth herein. Failure to comply with this requirement shall result in the disqualification of Bidder's submittal for this RFP.

IF NO RECEIPT CONFIRMATION IS PROVIDED, BIDDER SHALL ASSUME THAT THEIR RESPONSE HAS NOT BEEN RECEIVED AND ENSURE PROPER RECEIPT PRIOR TO THE BID DUE DATE.

Alternate Proposals

Bidder must submit a proposal in full compliance with this RFP. Bidder may also submit an alternate proposal, or propose alternate features, which Bidder believes will meet the basic objectives of the service described in this RFP and which is cost-effective for PGE. Such alternate proposal or features must be documented separately so it will not be confused with the base proposal. PGE will evaluate all alternate proposals and alternate features which it deems to be in its best interest.

SECTION 4: RFP EVALUATION

Bidder Selection Process

PGE will evaluate Bidder's proposal and other pertinent information to arrive at an award decision. Bidder's entire proposal will be reviewed for responsiveness to the RFP and for clarity and conciseness of the information presented. PGE will review the information presented to determine which proposal best meets PGE's criteria.

PGE will evaluate each Bidder's proposal in a number of general areas, including:

- The completeness of the proposal in addressing all topics covered by the RFP
- Bidder's experience and past performance with clients that are similar in size, scope and complexity to PGE, subject to the references checked by PGE
- The effectiveness, efficiency, innovativeness and creativity of Bidder's proposed configuration of services
- Bidder's willingness to assign and retain experienced resources to support PGE
- Bidder's willingness to accept liability for all services, even to the extent agreed upon services may be performed by subcontractors
- Competitive pricing

PGE expects to reach agreement on the business relationship it will have with its Bidder prior to the approval of the successful Bidder. Therefore, in addition to the other criteria identified in this section of the RFP, it will be necessary for the Bidder to:

- Provide a market-competitive fee proposal to PGE
- Reach agreement with PGE on all key aspects of the contractual relationship

Validity of Proposal

Due to the duration of the evaluation, approval, and procurement processes at PGE, proposals are required to be valid for a minimum of one-hundred eighty (180) days following the deadline for submission of the proposal. A proposal may not be modified, withdrawn or canceled by the Bidder for a 180-day period following the deadline for submission of the proposal. The Bidder so agrees to this condition by submission of the proposal.

SECTION 5: ADDITIONAL REQUIREMENTS

PGE Supplier Code of Conduct

PGE expects all suppliers to adhere to the Supplier Code of Conduct. The PGE Supplier Code of Conduct can be found on the Portland General website at <https://www.portlandgeneral.com/suppliers>. Submission of a proposal in response to this request for proposal is taken as evidence that you have read and understand the document.

PGE Third Party Risk Management

To help strengthen Portland General Electric's relationship with our suppliers, manage risk and ensure compliance with mandated laws and regulations, PGE has implemented a Third-Party Risk Management (TPRM) program. Any award for construction work stemming from this RFP will require compliance with the TPRM program requirements.

SECTION 6: GENERAL PROVISIONS

Disclaimer

This RFP shall not be construed in any manner to create an obligation on the part of PGE to enter into any contract, or serve as a basis for any claim whatsoever for reimbursement of costs for efforts expended. Furthermore, the scope of this RFP may be revised at the option of PGE at any time, or this RFP may be withdrawn or canceled by PGE at any time. PGE reserves the right to waive formalities and to add, modify, or delete items, requirements, terms or conditions prior to making the award whenever it is deemed to be in PGE's best interest. Notwithstanding any other provision of this RFP, Bidder is hereby specifically advised that this RFP is an informal solicitation of information only, and is not intended to be (nor is it to be construed as) engaging in formal competitive bidding pursuant to any statute, code, ordinance, rule, or regulation. Therefore, PGE shall not be obligated by any responses received by PGE or by any statements or representations, whether oral or written, that may be made by PGE, and PGE reserves the unqualified right to reject any or all proposals submitted hereunder for any reason whatsoever. PGE SHALL BE HELD FREE FROM ANY LIABILITY RESULTING FROM THE USE OR IMPLIED USE OF THE INFORMATION SUBMITTED IN ANY RESPONSE TO THIS RFP. Submission of a response shall constitute the Bidder's acknowledgment of this notice and the Bidder's acceptance of this disclaimer. PGE reserves the right to engage in parallel negotiations with some or all of the Bidders that respond to this RFP.

PGE reserves the right to verify all information provided by Bidder via direct contact with the Bidder prior clients and prior personnel, and the Bidder must agree to provide and release necessary authorizations, if required, for PGE to verify any of the Bidder's previous work and the Bidder's qualifications to perform this work. Misstatements of experience, qualifications and scope of prior work may be grounds for disqualification of the Bidder. PGE reserves the right to amend the schedule of RFP activities, as it deems necessary.

Eligibility and Transfer

This RFP is intended for the sole use of the recipient to which it is addressed and may contain confidential, personal and/or privileged information. Please notify the PGE Representative immediately if you are not the intended recipient of this RFP, and do not distribute, or take action relying on it. Only those individuals, companies, and corporations having received this RFP document directly from PGE are eligible to submit a response. The invited party may not transfer its right, nor transfer this RFP document, to any other individual, company, corporation, or subsidiary without prior notification to, and expressed consent of, PGE.

Qualification of Personnel

Subject to and in accordance with applicable law, Bidder shall have, prior to assigning an individual as Bidder personnel or a subcontractor and at Bidder's sole expense, appropriately verified, represent and warrant to PGE, that the personnel or subcontractors proposed in response to this RFP, performing the Services or providing the Deliverables, have the requisite qualifications, education, technical certifications and education degrees to perform the Services and provide the Deliverables in a competent, workmanlike manner in accordance with the applicable standards relevant to the Scope of Work described herein.

Reservation of Rights

This is a request for proposal and is in no way to be construed as a commitment to purchase goods or services on the part of PGE. Even though the Bidder's proposal may be rejected, PGE reserves the right to use any of the concepts or ideas contained therein without incurring any liability.

PGE reserves the right in its absolute discretion to select the successful Bidder for award, to reject any proposal as unsatisfactory or non-responsive, to award a contract to other than the lowest priced proposal, to award multiple contracts, or to not award any contract as a result of this RFP.

PGE reserves the absolute right to withdraw this RFP, by written notice, or to reject any or all proposals submitted in response to this RFP. PGE further reserves the right to accept proposals from one or more

prospective Bidders. PGE shall not incur any liability whatsoever by reason of such withdrawal, rejection, or acceptance.

Return of Materials

At any time, PGE may, in its absolute discretion, require that any or all of its documentation and materials be returned or destroyed by Bidder.

Proposal is not Proprietary

All proposals and any other materials submitted in response to this RFP (including proposals, drawings and other data) will become the property of PGE and may be returned only at PGE's sole option and at the prospective Bidder's expense. PGE assumes no obligation regarding confidentiality of all or any portion of a proposal or any other material unless the prospective Bidder clearly designates their response as containing proprietary information by selecting the option "CONFIDENTIAL INFORMATION: Do not disclose." In such event, PGE's sole responsibility shall be limited to maintaining the confidentiality of the information to the same extent that it maintains its own proprietary information.

Errors and Omissions

Should the Bidder discover any material ambiguity, conflict, discrepancy, omission, or other error in this RFP, please immediately notify the PGE Representative in writing of such discovery with a request of modification or clarification of this RFP, and cite the specific paragraph in question.

PGE solely reserves the right to determine the materiality of such discovery or question. If, in the opinion of PGE, such discovery or question may cause an ambiguity in the bid responses, PGE shall issue an Addendum to amend the RFP, extend the RFP due date if necessary, and/or provide answers to questions received in writing or clarifications to remove the ambiguity. Otherwise, PGE reserves the right to negotiate minor exceptions, irregularities, or errors in the RFP and/or the bid responses.

Confidentiality of Response

Notwithstanding any labeling as confidential, all information submitted in Bidder's response shall not be considered confidential or proprietary and may be disclosed or used by PGE or its affiliates for any purpose and in any manner without compensation, liability or other obligation to Bidder, unless a nondisclosure agreement has been executed between PGE and Bidder with respect to such information. Bidder should not submit any information unless absolutely necessary to understand and evaluate its response. If such confidential information is submitted pursuant to an executed nondisclosure agreement, PGE and its affiliates shall not be liable for the disclosure of information that (i) is or becomes publicly available; (ii) was known to PGE or an affiliate at the time of its receipt; (iii) is disclosed inadvertently despite the exercise of the same degree of care as PGE uses to protect its own similar information; (iv) is independently developed by PGE or an affiliate; or (v) is obtained from a third party that has a right to disclose the information.

Ownership of Work Product

All documentation and work product submitted by Bidder in its response shall become the exclusive property of PGE, including without limitation all ideas, concepts, models, plans, designs, drawings, projections, specifications, computer programs and other items developed or compiled by Bidder specifically for this RFP, except only as may be specified in an agreement executed between PGE and Bidder.

Competitive Bidding

PGE encourages free and open competition among Bidders; therefore, each Bidder must guarantee that its quoted prices have been established without collusion with other Bidders or informed parties and

without any effort to preclude PGE or its affiliates from obtaining the lowest possible competitive price. Whenever possible, specifications, bid invitations and conditions are designed to accomplish this objective, consistent with the necessity to satisfy the needs of PGE and the accomplishment of a sound economical operation. At no time shall PGE be considered to be under any obligation or commitment to purchase any products or services from any Bidder to the RFP until after a contract has been signed. The award, if any, will be made to the Bidder whose overall proposal is determined to be the most advantageous to PGE. Notwithstanding the foregoing, this RFP is only an informal solicitation of data and information, and is not intended nor should it be construed as formal competitive bidding pursuant to any statute, code, ordinance, rule or regulation.

Code of Ethics

Upon receipt of the RFP through the final selection by PGE, the Bidder shall not engage in any conduct that could be seen as improperly influencing PGE's decision. The exchange or offering of any money, gift item, personal service or unusual hospitality by either party is expressly prohibited. This prohibition is equally applicable to either party's officers, employees, agents or immediate family members. Failure to comply with this policy will disqualify a Bidder from participation.

Non-Discrimination

Neither PGE nor Bidder shall discriminate in the provision of the proposed products or services in connection with this RFP on the basis of age, race, color, national origin, religion, sex, disability, qualified disabled veteran status, qualified veteran of the Vietnam era status, or any other category protected by law.

Preparation & Presentation Costs

Bidder shall be solely responsible for all costs and expenses incurred in the preparation and presentation of its response to this RFP, including without limitation market research and attendance at meetings.

Bidder's Responses

PGE reserve the right, in its absolute discretion, to accept or reject any or all responses to this RFP, to waive formalities, and to make exceptions to the specifications and requirements contained in this RFP. No Bidder shall have an automatic right to submit revisions to its original response, and PGE, in its absolute discretion, may accept or reject any such revision.

Prime Contractor and Subcontractors

PGE reserves the right to accept or reject any subcontractor the Bidder may include in its proposal. The prime contractor and all subcontractors and related services must be clearly identified in the Bidder proposal.

Publicity

Any publicity, announcement or other disclosure regarding this RFP, Bidder's response or subsequent communications with PGE may only be made with the prior written authorization of an officer of PGE, which PGE may withhold in its absolute discretion. Neither this RFP nor any subsequent contract shall confer on any Bidder the right to use the name "Portland General" or "PGE" (either alone or in conjunction with or as part of another word or name), or any other name or designs of any of its subsidiary or affiliated companies (a) in any advertising, publicity or other disclosures, (b) to express or imply any endorsement of Bidder's products or services, or (c) for any other purpose or in any other manner.

Compliance with Applicable Laws

Submission of a response to this RFP shall constitute Bidder's acknowledgment and acceptance of all of its provisions, including a warranty that such response and any contract negotiations will comply with all laws as well as judgments, orders, decrees or consent agreements with any governmental agency or court relating to the manufacture, promotion, advertising, marketing, sale or pricing of any product or service to be furnished to PGE or its affiliates.

Non-Disclosure

In order to respond to this RFP, a Bidder must agree to the following provision.

Unless PGE otherwise consents, Bidder shall not, for a period of two (2) years after the date of the issuance of any Purchase Agreement based on this RFP, disclose to or use for the benefit of any third party, any information provided by PGE as a part of this RFP process.

A similar provision will be included in the successful Bidder's Purchase Agreement that restricts Bidder's disclosure of information about any Purchase Agreement issued as a result of this RFP.

Further, Bidder shall not include in any proposal submitted hereunder, or in any documentation submitted as a part of any such proposal, proprietary or confidential written data without the prior written consent of the PGE Representative unless specifically required by the Purchase Agreement.

A similar restriction will be included in the Purchase Agreement that prohibits including proprietary or confidential information as part of a deliverable without PGE's consent. If PGE agrees to accept proprietary or confidential information, then PGE will agree to make reasonable efforts, to the extent allowed by law, to keep in confidence and not to disclose to any third party, without the prior written consent of Bidder, the confidential or proprietary information of Bidder provided that any drawing or other document that contains this proprietary or confidential information is clearly marked by Bidder to indicate that the information is confidential or proprietary. Such information shall be protected by the same industrial security procedures as are used by PGE in protecting its own trade secrets and confidential data and shall be examined by and disclosed to only such persons as may require such information in the course of their duties. PGE's obligation of nondisclosure shall terminate two (2) years after the date of the Purchase Agreement.

Notwithstanding the other provision of the Purchase Agreement, or any confidential or proprietary markings placed on documents by Bidder, PGE shall not be prohibited from disclosing to third parties information which is required to perform the services provided hereunder, enhance service reliability or add to, or maintain the services acquired by PGE pursuant to this Purchase Agreement, so long as PGE secures the agreement of the third party in writing to use the information for only such purposes and to otherwise restrict disclosure as provided above.

The obligation to maintain the confidentiality of a party's confidential or proprietary information, pursuant to this Section, "NON-DISCLOSURE," shall not apply to information which was: (i) in the public domain prior to the party's receipt of the data or has subsequently become part of the public domain, (ii) in the party's possession prior to its receipt of the data and was not acquired directly or indirectly from the other party, or (iii) received from a third party which the party reasonably believes has no obligation of confidentiality.