

REQUEST FOR PROPOSALS

Leasing Municipal Land for Solar Development

Town of Gardiner

2340 STATE ROUTE 44/55, Gardiner, NY 12525

Issue Date

Proposals Due By:

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1. Executive Summary

The Town of Gardiner, NY seeks proposals from solar energy developers (“Respondents”) to lease land at 139 Steve’s Lane and 131 / 135 Steve’s Lane in Gardiner, NY (“the Site”), pursuant to a Lease Agreement, a form of which is included in this RFP, and install, own, operate, and maintain thereon a solar photovoltaic energy system (“Solar Energy System” or “System”).

It is the desire of the Town of Gardiner to site a solar energy system for the benefit of the Town of Gardiner and the environment. This Request for Proposals is being issued to allow the Town of Gardiner to evaluate options and determine the project and financial arrangements that best meet the Town of Gardiner’s interest. The Town of Gardiner notes that it is not seeking proposals to be an off-taker of a solar energy system. The goal of this RFP is to lease the Site for purposes of siting a Solar Energy System in order to provide a revenue stream to the Town of Gardiner in the form of lease payments.

The Town of Gardiner will evaluate all proposals and reserves the right to select the proposal that provides the best economic solution. The Town of Gardiner has the right to accept any bid even if it does not provide the highest revenue to the Town of Gardiner. Proposals will be evaluated against other proposals received. In addition to other rights reserved herein, the Town of Gardiner reserves the right to cancel this RFP in its discretion and to the fullest extent permitted by law.

All Proposals prepared in response to this RFP are at the sole expense of the Respondent, and with the express understanding that there will be no claim, whatsoever, for reimbursement from Town of Gardiner for the expenses of preparation. Town of Gardiner shall not be liable for any expenses incurred by the Respondent in development of this proposal.

2. Background

The Town of Gardiner is located in Ulster County and is home to approximately 5000 residents and 2300 households. The area of the town is 43 square miles and is home to Mohonk Preserve, Minnewaska State Park and the Shawangunk Ridge. The community consists of farmland, orchards and vineyards in a rural setting with significant open space and forested land as well as predominantly single family homes. The community is in the final stages of accepting a Community Choice Aggregation Program to provide clean renewable electricity to its citizens.

The property being considered in this RFP, is currently operated as a Transfer Station and Recycling Center for the Town of Gardiner and will continue to operate in this capacity in the future. Portions of the lots being considered in this RFP were parts of a Landfill that was operated by The Town of Gardiner and was the subject of a Solar Screening report completed by the United States Environmental Protection Agency in May of 2017. In their investigation, the EPA supported the potential of solar photovoltaic generation on the Town of Gardiner Landfill. The EPA’s report will be included as part of this RFP.

The Town of Gardiner wishes to bring this project to our community with the goal of expanding the Town of Gardiner’s and its residents’ participation in the energy of the future, and benefit from the lower electric prices and local job creation associated with it.

Town of Gardiner is interested in leasing municipal land for solar development. Town of Gardiner has the following prioritized goals for the project:

1. Increase revenue for the Municipality through a land lease.
2. Reduce energy bill costs for residents through a community solar project.
3. Purposefully utilize otherwise unusable municipal property such as landfills or brownfields.
4. Advance the community's environmental sustainability and leadership goals.

3. Project Scope

Project Description

The Town of Gardiner is interested in leasing all or a portion of the site(s) described in Appendix 1. In addition to the areas A thru F (shown in Appendix 1) to develop ground mounted solar arrays, the steel canopy of the transfer station (approx. 3200 sq ft) should be considered for solar panel placement also. The Town of Gardiner does have a current Solar Law, it is expected that the development of this site will adhere to that law and its processes and procedures. A copy of the Town of Gardiner Solar Law will accompany this RFP. The lease will be structured initially for a 2-year option to assess the feasibility of the site; following with a 25-year lease when it is determined the site is viable, with up to four additional 5-year optional renewal periods, exercisable at the Town of Gardiner's sole discretion. The Town of Gardiner is willing to consider alternative lease durations and conditions as part of the proposal evaluation process set forth herein.

The selected Respondent will own the System and will be responsible for the design, engineering, permitting, installation, testing, operation, maintenance, repair, vegetation management, and decommissioning of the System, including, without limitation, procurement of the solar photovoltaic equipment and related services. The successful Respondent will be solely responsible for owning, insuring, commissioning, interconnection, metering, and for providing security for the system at all times. The successful Respondent shall be responsible for all project costs including, but not limited to: the furnishing of all materials, services, labor, performance and payment bonds, insurance, and other costs incurred in the preparation of this response and the performance of the contract, signed by an individual authorized to bind the Respondents contractually.

On termination of the lease, the successful Respondent will be responsible for performing, and paying for the removal of all panels, racks, concrete blocks, and conduits, and returning the portion of the property on which the System was installed to its original conditions as mutually agreed upon.

Site Description

The potential host site(s) are described in Appendix 1 attached to this RFP.

Before submitting a proposal, each Respondent shall familiarize themselves with the potential host sites as necessary to develop a proposal to undertake the Project in accordance with the terms and conditions of this RFP. The selected Respondent will be responsible for conducting any additional studies it may require, at its own cost and risk, prior to entering the lease agreement and/or in conjunction with the development of the Project. The Town of Gardiner intends to lease the municipal land on an "as is" basis.

Site Work and Maintenance Requirements

The successful Respondent shall be responsible for the design, permitting, construction, and maintenance of all site work, drainage, and erosion controls, and landscaping associated with the system and lease area.

The successful Respondent shall be responsible for performing vegetation management within the lease area. Respondents shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.

Landfills are overseen by DEC's Division of Materials Management. As the proposed solar project will alter and impact the landfill cap, the Respondent is required to submit modifications to the Post-Closure Care Manual that is part of the Closure Plan. The requirements are intended to address concerns regarding the protection and maintenance of the Final Cover ("cap") and the protection of the landfill gas systems. The modification submission shall cover aspects including soil, slope, sediment, erosion, vegetation, drainage, etc. The submitted work plan shall contain descriptions of the planned uses and project plans to demonstrate the disturbance will not increase the potential threat to human health or the environment via construction method, equipment placement, and monitoring systems and plans¹.

The successful Respondent shall be responsible for the installation and maintenance of site specific safety and security requirements or other measures as are required to comply with all necessary permits and approvals.

Community Engagement

The successful Respondents will play an integral role in public outreach and educational events coordinated for community members. An outreach plan will raise community awareness and provide a platform for education. Creative approaches are encouraged.

If the project is intended to serve as a community solar project, through which local electric customers can purchase electricity from the developer, the Town of Gardiner will respect the strategic business decisions of Respondents on how to recruit subscribers of a community solar project. The Town of Gardiner requires that a priority process of enrollment be used whereby Town of Gardiner residents would have first call on participating as customers in a community solar program. The Town of Gardiner also requires that residents of Ulster County have a second stage enrollment priority.

Potential support offered by the Town of Gardiner as examples of ways the Town of Gardiner and other associated organizations would be interested in participating may include:

- Notification of the opportunity on the Town of Gardiner and various organizations' websites;
- Use of Town of Gardiner and other organizations' staff in conducting community oriented

¹ <https://www.dec.ny.gov/regulations/81768.html>

- “Solar PV 101” Q&A sessions;
- Support in engaging local media;
- Banners or signage promoting the initiative at town-owned facilities

These are meant as examples of the sorts of informational and recruitment activities in which the Town of Gardiner, and perhaps associated organizations, would be interested in participating.

Local Business Utilization

It is in the best interest of the Respondent to give a preference to subcontracting with local businesses, recruiting from the local labor force, and providing education or other benefits to local students particularly inside Town of Gardiner limits. The Town of Gardiner also encourages all Respondents to include minority and small business participation, including those owned by women, veterans, and disadvantaged individuals. Respondents should include goals for local employment, including for both the construction and operation periods of the project, providing a brief description of the number and types of jobs expected to be created in the Town of Gardiner.

Award

Based upon the results of the evaluation of the proposals and interview process (if applicable), a recommendation will be developed and submitted for approval by the respective stakeholders within the Town of Gardiner.

All Respondents shall review the Lease Agreement in Appendix 4. Should a Respondent question any of the terms and conditions contained in this Lease Agreement, it must submit a written attachment to their proposal specifically identifying its objection, setting forth its reasoning for the objection, and proposing an alternative solution addressing the objection. Respondents must include a brief discussion of the purpose and impact, if any, of each proposed revision. Acceptance of any proposed revision is within the Town of Gardiner’s sole discretion. In no event will general references to the Respondent’s terms and conditions or attempts at complete substitutions be considered. All objections will be reviewed as part of the evaluation process.

If the Town of Gardiner and the most qualified Respondent are unable, within 60 days following the Town of Gardiner’s notice of commencement of negotiations with a Respondent (or such longer period of time as the Town of Gardiner may deem appropriate), to negotiate satisfactory Agreements with that Respondent at a price the Town of Gardiner determines to be fair, competitive, and reasonable, the Town of Gardiner shall negotiate with the next highest-rated Respondent. The Town of Gardiner reserves the right to waive any and all informalities and to award the proposal on the basis of the above procedures to the Respondent it deems most qualified or terminate the process at any time without making an award.

4. Timeline

EVENT	TARGET DATE
Issuance of Request for Proposal	Day 0
Informational Respondent Meeting and Site Visit	Day 14
Deadline for Submission of Questions	Day 28

Town of Gardiner Issues Responses to Respondent Questions	Day 35
RFP Submission Deadline & Opening of Bids	Day 49

5. Submission of Questions

The Designated Contact Person during the RFP period is **contact name**. All communication of any kind regarding this RFP during this period must be made via **contact name**. All questions and inquiries regarding this RFP must be submitted via email to **contact email** no later than **question deadline**. Questions submitted in writing must include the firm name and the name, title, address, telephone number, and email address of the individual submitting the question. Any questions regarding proposal requirements or specifications received after this date and time will not be considered for response.

Questions will not be answered directly. The Awarding Authority will issue an addendum to address the written questions submitted by the deadline. Any addenda will be posted by **email/online at website**.

6. Pre-Bid Meeting

The Town of Gardiner will hold a pre-bid meeting for all interested Respondents on **date & time** at **site address**. It is recommended that all interested Respondents attend in order to familiarize themselves with existing conditions and project requirements. Respondents interested in attending must confirm attendance by contacting **point of contact and contact information**.

7. Submittal

Responses must be submitted in a sealed package to Town of Gardiner Town Hall **2340 State Route 44/55 Gardiner, NY 12525** by **date & time** and labeled as noted below. Within the package, the Respondent shall enclose a cover letter with the signature, name, and title of the person authorized to submit the proposal on behalf of the Respondent. The Respondent shall enclose **three (3)** hard copies and **one (1)** electronic version in a searchable text format (in Adobe Acrobat (pdf) format and on a flash drive or CD-ROM) of the proposal. The sealed outer package shall be marked with the Respondent's company name, and clearly marked in the lower left-hand corner:

"Response to Leasing Municipal Land for Solar Development"

It is the Respondent's responsibility to see that its proposal is delivered within the time and at the place prescribed. The right is reserved, as the interest of the Town of Gardiner may require, to reject any or all proposals, to waive any technical defect or informality in proposals received, and to accept or reject any proposal or portion thereof. If there are any differences between the original hard copy and the electronic copy of the proposal, the material in the electronic copy will prevail.

8. Proposal Requirements

These instructions outline the format and content of the proposal and the approach to be used in its development and presentation. Only that information which is essential to an understanding and evaluation of the proposal should be submitted.

Table of Contents

Proposals shall include a Table of Contents listing the individual sections of the proposal and their corresponding page numbers.

Section 1 – General Respondent Information

- **Transmittal Letter** - Each Respondent's response should include a transmittal letter signed by a party authorized to make a formal bid on behalf of the Respondent. The letter shall clearly indicate that the Respondent has carefully read all the provisions in the RFP. Transmittal letters should also acknowledge receipt and understanding of any Addenda associated with the project. Include the name, title, address, telephone number, e-mail address and fax number of the individual the Town of Gardiner should contact concerning the Respondent's proposal.

- **Executive Summary** - Provide an overview of the proposal (not more than two pages) describing the highlights of the response and summarizing how your firm will meet the needs and goals of the Town of Gardiner.

- Executed **Certificate of Non-Collusion** in Appendix 3.

Section 2 – Experience & Qualification

This section shall discuss the highlights, key features, and distinguishing points of the proposal.

- Company Overview
 - Provide a document with the following company information.
 - Year founded and number of continuous years in business
 - Ownership status (public or private company, LLC, LLP, S-Corp, Sole Proprietor)
 - Federal Tax Identification Number
 - Corporate & Local Office location
 - Number of employees in corporate & local office at time of submittal
 - Your firm's Experience Modification Rate (EMR) for each of the past three years and your firm's OSHA ratings (Recordable Incidence Rates and Lost Workday Incident Rates) for the past three years
 - A description of any ongoing or previous litigation your firm has been involved in and a statement that the Respondent is not debarred, suspended or otherwise prohibited from practice by any federal, state, or local agency

- Project Team
 - Provide information about the key personnel to be assigned to this project.
 - Project Team organizational chart including all key personnel and their proposed roles
 - Provide resumes, in an appendix, for all key personnel that will be assigned to this project
 - Provide evidence of all relevant licenses held by your firm to do work in New York State, attach list and copies of documents as an appendix

- References
 - Provide references for at least three completed and currently operating non-residential grid-connected PV systems, with preference towards New York municipalities and landfill or brownfield projects. Include the following information:
 - Location and Utility Company name
 - System size (kW DC)
 - Metering Type (Remote Net Metering, Community Distributed Solar, Onsite)
 - Date completed
 - Host Customer and/or Owner contract information (name, email, address, phone)

- Project Development Experience
 - Provide the total number of megawatts of solar PV your firm has constructed over the last five (5) years.
 - Provide the total number of megawatts of solar PV your firm has constructed over the last five (5) years in New York.
 - Provide total number of megawatts and projects of solar PV your firm has constructed on landfills and brownfields.
 - Detail the types of customers your firm has worked with in the past (for example, residential, commercial nonprofit, or government).
 - Describe your firm's implementation of PV construction standards and other safety measures.
 - Provide the number of operational PV systems under your firm's management.

- Project Financing Capability
 - Provide number of PV systems that have been financed by you and/or your financing partner.
 - Provide most recent audited financial statements, annual reports, consolidated financials, and Form 10-K (if any). If available, provide similar materials for parent entities, significant affiliates and collaborators.

Section 3 – Proposal Narrative

Provide a detailed plan of the proposed project. Project plans must include the following:

- Project Management Plan
 - Provide a detailed narrative description of the approach for installing the proposed project, including how the Respondent will work with subcontractors, municipal agencies, and other relevant stakeholders. Detail how the Respondent will approach special site considerations such as capped landfills.
 - Provide a detailed description of each task and delivery. Include a project schedule indicating key milestones and durations of various activities.

- o Respondents must demonstrate a firm understanding of permits required to successfully execute the project. The selected Respondent will be responsible for all necessary environmental testing, permitting, and compliance. To the extent possible, Respondents should identify the regulatory and permit conditions relevant to their proposals, potential conflicts between the project and existing permit conditions, and variances that might be required.
- Financing Plan
 - o Provide a description of how the proposed project will be financed. Identify any potential financial partners that will be involved in the project. Describe in this plan possible sources of funds and revenue streams other than the sale of energy including all available tax credits, incentives, and subsidies that will be used to finance the project.
- Operations and Maintenance Plan
 - o The Respondent will be responsible for Operation & Maintenance (O&M) services for the full term of the Agreement. Describe the proposed O&M procedures for the system, detailing duties performed and if the contract will be maintained with the Respondent or a third-party provider.
- Decommissioning Plan
 - o Provide information regarding the proposed approach to system decommissioning and restoration of the property. This decommissioning plan should include a description of Respondent's approach to providing financial assurance that funding will be available to decommission the system at the end of the contract term.
 - o The owner of the Facility, as provided for in its lease with the landowner, shall restore the property to its condition as it existed before the Facility was installed, pursuant to measures which may include the following:
 - Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations to a depth of 36 inches below the soil surface.
 - Removal of any solid and hazardous waste caused by the Facility in accordance with local, state and federal waste disposal regulations.
 - Removal of all graveled areas and access roads unless the landowner requests in writing for it to remain.
- Local Business Utilization Plan
 - o Respondent shall submit a proposed local business utilization plan and must make a good faith effort to hire local business enterprises on the project. The utilization plan must demonstrate how this requirement will be met to the extent possible at this stage in the program.
- Outreach Plan
 - o Respondent will provide a clear plan to best meet the goals and strategies specified in the **Project Scope** section for **Community Engagement**.

- o Provide clear marketing and recruitment strategies from the developer to attract members. *Strategies for particular customer segments (e.g. LMI, anchor, commercial, etc.) should be specified, if desired by the Municipality.*

Section 4 – Technical Proposal

All solar energy systems proposed under this RFP must conform to industry best practices. System Design and Components are not binding at the proposal stage, but this information will be used to evaluate Respondent proposals.

- Components: Include an overview of the proposed photovoltaic system, including brief descriptions of the main components (at minimum modules, inverters, racking system, and monitoring system) including manufacturer and warranty information. Respondents are encouraged to provide specification sheets for any proposed technologies as an appendix.
- Design: Include Preliminary Drawings for the proposed PV system that include (at a minimum):
 - o System size (in kW DC and kW AC)
 - o Location of modules (including tilt)
 - o Location of inverters
 - o Any other site-specific information that will aid in overall evaluation
- Expected System Generation
 - o Provide estimated annual production of the proposed solar project for years 1-25 inclusive of the degradation rate.

Section 5 – Price Proposal

Price proposals should be provided using the form in Appendix 3 of this RFP. Price proposals shall be valid for a minimum of 180 days.

All price proposals will include a lease payment from the Respondent to The Town of Gardiner in the format of a price per acre. The lease will be structured initially for a two-year option to assess the feasibility of the site, followed by a 25-year lease when it is determined the site is viable, with up to four additional 5-year optional renewal periods, exercisable at The Town of Gardiner's sole discretion, or on the basis of any other alternative lease duration proposal submitted by the respondent.

9. Evaluation Criteria

Overview of Evaluation Process

The Town of Gardiner will utilize an evaluation system to rank the qualified Respondents. It is the responsibility of each Respondent to provide information, evidence or exhibits that clearly demonstrate the Respondent's ability to satisfactorily respond to project requirements and the factors listed in this RFP. The evaluation process may include verification of references, confirmation of financial information, and examination of other information as the Town of Gardiner deems appropriate. The Town of Gardiner may as it deems necessary conduct interviews to evaluate the Respondents. The Town of Gardiner may require public presentations by Respondents. The Town of Gardiner reserves the right to request or obtain additional information about any and all responses. Each response from a qualified Respondent will be evaluated and ranked solely according to the criteria set forth in this RFP.

The Town of Gardiner may cancel this RFP at any stage of the process if it determines that cancellation serves the best interests of the public. The Town of Gardiner may reject, in whole or in part, any and all planned or proposed project measures, when it determines that rejection serves the best interests of the public.

At a minimum, Respondents shall meet the following requirements:

1. Timely submission of response and attendance at optional/mandatory pre-bid meeting
2. Submission of all required elements found in Section 8 of this RFP
3. Certification of Non-Collusion (Appendix 3)
4. Evidence of appropriate insurance

The qualified Respondents providing completed responses will be evaluated based on the following factors:

Price Proposal - The Respondent should clearly identify the financial benefit to the Town of Gardiner of the proposed arrangement in the form of either annual lease payments, savings in current electric costs of The Town of Gardiner operations, or some other monetary benefit to the Town of Gardiner.

Proposal Narrative - The response shall include an explanation of how the Respondent will approach the various tasks, including scheduling methods, project schedule, construction, financing, measurement and verification, operations and maintenance, and decommissioning plans. The demonstrated ability to obtain financing for the construction of the solar energy system is critical to the Respondent's ability to complete the project. Respondents should provide in their responses a clear discussion of how they intend to finance the system and what financing partners will be involved in the project.

Developer Experience & Project Team - The extent of the Respondent's experience in designing, financing, constructing and operating solar energy facilities. Additional consideration will be given to firms with experience constructing and operating such facilities on municipal and commercial properties most similar to the proposed sites, particularly capped landfills. The relevant experience and quality of project personnel, and their commitment to the proposed project in The Town of Gardiner. The clarity and organization of the proposed scope of work and approach will be included in the assessment of the project team.

Technical Proposal – The response will be evaluated on the preliminary system design that is provided and the selected equipment and corresponding warranties. The demonstrated ability of designing a system that will generate the highest production will provide greater benefit to the Town of Gardiner and the community members.

Appendix 1: Site Description

Provide the below information for the selected site(s) if known.

- Facility name and address
- Planned future use of the property and zoning requirements
- Any shading, trees, or other potential obstructions
- Electric utility
- Distance to utility interconnection
- Phases available at utility pole (single or three-phase)
- Description of roof and/or available land
- Aerial photos, site map, and/or roof plan
- Any feasibility assessment done to date, including information on roof, shading, environmental analysis, etc.

If the site is a landfill, provide additional information, such as NYSDEC Requirements for Closure and Post-Closure Care, site's Final Closure Plan, and the Post-Closure Monitoring and Maintenance Operations Manual.

If the site is a brownfield, provide additional information such as the Site Management Plan.

Appendix 2: Land Lease Price Proposal Template

PV System Size	_____kW dc	Annual System Degradation Factor	_____%/year
Year 1 Estimated kWh Generation	_____kWh		

The Respondent hereby agrees to pay The Town of Gardiner the following amounts to lease up to 25 acres for the construction and operation of a solar energy system for 25 years.

The following is a summary of assumptions for developing the costs for a base solar system. Respondents are to assume no sales tax on equipment purchased, and no property tax. Interconnection costs can vary widely depending on system size, interconnection voltage, and other interconnection requirements. For the purposes of establishing a base bid, Respondents should assume interconnection cost of \$0.10 per Watt.

Year 1 Lease Payment	\$_____/acre	Annual Lease Escalator	_____%/year
Year 1 Total Lease Payment	\$_____	Total Payments to The Town of Gardiner over Contract Length (25 Years)	\$_____

Respondents shall understand that the submitted price proposals must include the scope of work and all deliverables as defined in the Lease Agreement and as specified in this RFP. Respondents shall complete the below table to account for change orders due to unforeseen additional costs such as interconnection upgrades, taxes, etc. THE TOWN OF GARDINER WILL use a regression model to predict incremental values if needed.

Change Order (\$/acre)	0-\$4,999	\$5,000-\$9,999	\$10,000-\$14,999	\$15,000-\$19,999	\$20,000-\$24,999	>\$25,000
Adjustment to Proposed Lease Payment (\$/acre)						

A Respondent may attach, in substantially the form above, any alternative lease arrangement(s) that the Respondent wishes to include with its proposal

Appendix 3: Certificate of Non-Collusion

The undersigned certifies, under penalties of perjury, that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity, or group of individuals.

(Signature)

(Name of person signing proposal)

(Name of business)

Appendix 4: Sample Land Lease Agreement