

**TOWN OF TUXEDO
REQUEST FOR PROPOSALS
PROCUREMENT OF ELECTRIC POWER FROM
SOLAR PHOTOVOLTAIC SYSTEM(S)**

1. PROJECT OVERVIEW

1.1 Project Goals and Background

The Town of TUXEDO, New York, located in Orange County, hereinafter the “Town”, seeks to develop a solar photovoltaic system on the Town Highway Department Building Roof located at 984 Long Meadow Road for a system capable of producing no less than 71 kilowatts/hr. The Town goal is for an installation that would result in reduced energy costs for the Highway Facility, capable of future expansion, and to help our State meet its goals to reduce its carbon footprint.

1.2 Project Description

The Town of TUXEDO, through this RFP, intends to identify a project sponsor and procure a system that will be affordable, long lasting, expandable and easily maintained. The sponsor will:

A. Enter into an agreement with the Town for use of the roof of the facility on Long Meadow Road, to prepare and process any necessary permit applications to all regulatory authorities, and/or any other approval authority related a solar facility without any additional cost to the Town.

B. Obtain any such authority from Orange and Rockland Utility Company (O&R) as may be required to interconnect with the electric grid and construct all improvements necessary to achieve such interconnection.

D. Install and Maintain a solar facility system capable of producing no less than 71 kilowatts/hr. in compliance with all laws and regulations regarding such facility.

E. Provide plan to decommission and remove the solar facility at the end of this contract, if Town determines it is necessary.

2. CONTRACT TERMS AND REQUIREMENTS

The response must demonstrate the respondent’s willingness and ability to comply with the following expected contract requirements.

2.1 Surety Bond

The selected bidder will be required to provide the Town of TUXEDO with 100% payment and performance bonds from a surety company licensed to do business in the State of New York and whose name appears on United States Treasury Department Circular 570.

2.2 Insurance

The selected bidder(s) shall be required to list the Town of TUXEDO as an additional insured. Minimum required insurance coverage includes:

A. Commercial general liability insurance in limit not less than \$1,000,000 per occurrence, \$1,000,000 per occurrence for personal injury liability, \$2,000,000 general aggregate (applied per job) and \$2,000,000 products and completed operations aggregate written for a period of three years beyond final payment. Commercial general liability insurance shall also include broad form property damage liability and broad form contractual liability.

B. Minimum additional \$1,000,000 umbrella for excess liability coverage with terms and conditions that are at least as broad as the underlying liability policies and for concurrent terms with the underlying commercial general liability insurance.

C. Professional liability insurance covering errors and omissions, \$1,000,000 each occurrence and \$2,000,000 aggregate limit.

D. Commercial automobile liability with a combined single limit of \$1,000,000 with a hired and non-owned endorsement. Personal automobile liability coverage will be acceptable in lieu of commercial automobile coverage only if the vehicle used at the job site is not commercially insured. Limits for personal auto must be at least \$1,000,000 property damage per accident with an endorsement that the policy covers business related use with an additional \$1,000,000 personal umbrella policy.

E. Worker's Compensation coverage as required by New York State Workers' Compensation Law §57 or proof of respondent not being required to secure same.

F. Disability Benefits Insurance if/as required by New York State Workers' Compensation Law §220, or proof of respondent not being required to secure same.

2.3 Subcontracting

Except as to the extent contemplated in the response and permitted in the contract, the contract will prohibit the assignment or subcontracting without the Town of TUXEDO's express prior approval. Any proposed subcontract must contain the same substantive provisions as in 2.2, 2.4 – 2.11.

2.4 Indemnification

The contract will require that the contractor hold harmless and indemnify the Town of TUXEDO and its officers, agents and employees against all claims, demands, actions and suits (including all attorneys' fees and costs) brought against any of them arising from the contractor's work or any subcontractor's work under the contract.

2.5 Compliance with Laws

The contract will require compliance with all federal, state and municipal laws, ordinances, rules and/or regulations, including labor laws and laws against employment discrimination.

2.6 Governing Law, Venue

All contracts entered into by the Town of TUXEDO shall be governed by the Laws of the State of New York, without effect to its conflict of laws provisions. Any disputes shall be resolved within the venue of Orange County, New York.

2.7 Respondent Due Diligence

Information provided in the RFP is for general information purposes only. It is the Respondent's responsibility to conduct due diligence on the Site. Submission of a response shall be conclusive evidence that the respondent has examined the Premises and is familiar with all the conditions of this procurement.

2.8 Pre-Contractual Expenses

All proposals prepared in response to this RFP are at the sole expense of the Proposer, and with the express understanding that there will be no claim, whatsoever, for reimbursement from the Town of TUXEDO for the expense of preparation. The Town of TUXEDO shall not be liable for any expenses incurred by the Proposer prior to the date of award and commencement of contract services.

2.9 Construction Time Limitations - Construction shall commence within thirty (30) days of Notice of the award of the RFP and be completed in accordance with the proposal.

2.10 Net Metering

This project may utilize <remote> net energy metering. The selected respondent will be responsible for including in the proposal an option for meeting all net metering requirements, including interconnection with the local distribution grid

2.11 NYSERDA Incentives

It is expected that respondents are familiar with the NYSERDA Incentives for Solar Photovoltaic installations. NYSERDA incentives are to be included in the calculation of the bid price, Proposers are required to understand the NY Sun program requirements and must agree to construct the system in accordance with NY Sun program requirements (e.g. energy efficiency audit, data acquisition requirements). All NYSERDA Incentives shall be identified and credited to the cost of the proposal.

3. **RFP PROCESS AND SUBMISSION INFORMATION**

3.1 Submission Deadline and Instructions

Proposals from respondents, as required in accordance with all terms and specifications contained herein, will be received until **1:00 PM, August 23, 2021** and are to be delivered to:

Marisa Dollbaum, Town of TUXEDO Town Clerk

Town of TUXEDO Town Hall

1 Temple Drive, Tuxedo New York 10987

Responses must be submitted in a sealed outer package. Within each envelope or package, the respondent shall enclose a cover letter with the signature, name, and title of the person authorized to submit the response on behalf of the respondent.

Within a sealed envelope within the outer package, respondent shall enclose one (1) original and seven (7) hard copies and one (1) single-file electronic version (in Adobe Acrobat (pdf) format and on a CD-ROM or thumb drive) of the proposal. The sealed envelope shall be marked with the respondent's **company name**, and plainly marked in the lower left hand corner:

“Response to Town of TUXEDO, NY
Solar Energy RFP”

All proposals should be written in ink or typed. If there is any correction with whiteout, the person signing the proposal must initial the correction.

A respondent filing a proposal thereby certifies that (1) no officer, agent, or employee of the Town of TUXEDO has a pecuniary interest in the proposal; (2) the proposal is made in good faith without fraud, collusion, or connection of any kind with any other prospective

respondent for the same RFP, and (3) the prospective respondent is competing solely on its own behalf without connection with, or obligation to, any undisclosed person or firm.

The right is reserved, as the interest of the Town 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. Furthermore, prospective bidder acknowledges that the awarding of this lease is subject to permissive referendum.

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3.3 Site Visit

An optional site visit will be held for prospective respondents at the site on **Wednesday August 11th at 11am**. Respondents interested in attending must confirm attendance by contacting Marisa Dollbaum, Town of TUXEDO Town Clerk, townclerk@tuxedogov.org or (845) 3531-4411 x 4.

3.4 Inquiries

All questions and inquiries regarding this RFP must be submitted via email to townclerk@tuxedogov.org no later than **August 16th 2021**.

Inquiries will not be answered directly. The Town will issue an addendum to address the written questions submitted by the aforementioned deadline. Any addenda will be posted online at www.tuxedogov.org. *(If answered by email: It is the responsibility of the Respondent to contact townclerk@tuxedogov.org by email prior to the submittal deadline to ensure that the Respondent has received all addenda issued by the Town.)*

3.5 Amendments and/or Cancellation of this RFP

If this RFP requires an amendment, written notice of the amendment will be given to all prospective respondents that have attended the informational meeting or contacted Town Clerk, , townclerk@tuxedogov.org. The Town reserves the right to modify, amend or cancel this RFP if the Town determines that it is in the best interest of the Town to do so.

3.6 Withdrawal and Modification

Any respondent may withdraw or modify its response by written request at any time prior to the RFP submission deadline. Telephone responses, amendments or withdrawals will not be accepted.

After the RFP submission deadline, a respondent may withdraw, but may not modify, its response except in a manner that is not prejudicial to the interest of the Town or to fair competition. Negligence on the part of the respondent in preparing the response confers no rights for the modification of the response after it has been opened.

3.7 Proposals as Public Records

All materials submitted in response to this RFP become the property of the Town of TUXEDO and become public records after the award of contract, except for information not subject to disclosure pursuant to New York State Public Officers Law, Article 6 (“FOIL”).

During the evaluation process, the content of each Proposal will be held in confidence and details of any Proposal will not be revealed (except as may be required under FOIL, other state and federal laws or which may be required by judicial decree). FOIL provides for an exemption from disclosure for trade secrets or information the disclosure of which would cause injury to the competitive position of the Proposer. This exception would be effective both during and after the evaluation process. Should the Proposer’s Proposal contain any such trade secrets or other confidential or proprietary information, a request to exempt such information from disclosure must be submitted with the Proposal. Such request must be in writing, must state the reasons why the information should be exempt from disclosure and must be provided at the time of submission of the subject information. Requests for exemption of the entire contents of a Proposal from disclosure have generally not been found to be meritorious and are discouraged. Limit any requests for exemption of information from disclosure to bona fide trade secrets or specific information, the disclosure of which would cause a substantial injury to the competitive position of the Proposer.

3.8 Opening of Proposals

At the time and place fixed for the opening of RFP(s), the Town will open and publicly read aloud every bid that was received within the time set for receiving RFP(s). Proposers and other persons properly interested may be present, in person or by representative.

4. **PROPOSAL REQUIREMENTS**

Submitted proposals should include:

4.1 Proposer Information Form

Each proposal should include a signed and completed Bidder Information Form, found in Attachment 1.

4.2 Transmittal Letter

Each proposer’s response should include a transmittal letter signed by a party authorized to make a formal proposal on behalf of the proposer. The letter shall clearly indicate that the proposer has carefully read all the provisions in the RFP and should include a brief overview of the respondent’s proposal. Transmittal letters should also acknowledge receipt and understanding of any Addenda associated with the project.

4.3 Company Overview

Provide a document providing the following company information

- (a) Year founded and number of continuous years in business.
- (b) Ownership status (publicly or privately held).
- (c) Corporate Office location.
- (d) Local Office location.
- (e) Number of employees in local branch office at time of submittal (full time employees, excluding contractors).
- (f) 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.
- (g) Your firm's Experience Modification Rate (EMR) for each of the past three years, as well as your firm's OSHA ratings (Recordable Incidence Rates and Lost Workday Incident Rates) for the past three years.
- (h) A list of state-specific contracting licenses held, including classification and number.
- (i) Evidence of certification and participation in NYSERDA NY-Sun Incentive Program.
- (j) Federal Tax Identification Number.

4.4 Project Team

Provide information about the key personnel to be assigned to this project, including:

- (a) Full contact information for the project manager.
- (b) An organization chart including all key personnel.
- (c) For all key personnel (including subcontractors), professional experience, certifications, project role, and office location.
- (d) Resumes of key personnel, provided in an appendix to the proposal
- (e) Evidence of NABCEP, Professional Engineer (P.E.), or Master Electrician certification where applicable, provided in an appendix to the proposal.

4.5 Qualifications and References

Describe previous solar installation experience, drawing particularly attention to projects done on behalf of municipalities and other governmental entities (and any projects reflecting project-specific attributes, such as landfill or brownfield projects, projects of a given size, etc.)

In addition to this description, provide references for at least five completed and currently operating non-residential grid-connected PV systems, including:

- (a) System size (kW DC)
- (b) Host Customer and/or Owner contract information (name, email, address, phone).
- (c) Location and Utility Company name.
- (d) Date completed.
- (e) Any other relevant installation-specific information.

4.6 Project Plans

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

- (a) Proposed Project Timeline
- (b) Typical System Design and Components

Components: Include an overview of the proposed photovoltaic system, including brief descriptions of the main components (at a minimum, modules, inverters and mounting system). Respondents are encouraged to provide specification sheets for any proposed technologies as an appendix.

Design: Include Preliminary Drawings for the proposed PV system that includes (at a minimum):

- System size (in kW DC and kW AC) - No less than 71 kilowatts/hr.
- Location of modules (including tilt)
- Location of inverters
- Any other site-specific information that will aid in overall evaluation.

Warranty: Describe any warranties associated with the installation, including full system coverage and/or warranties associated with individual components, including warranties from the Proposer and manufacturers.

(c) Expected System Generation

Provide expected annual system generation in kilowatt-hours, and a proposed production guarantee.

(d) Permitting Plan

Respondents must demonstrate a firm understanding of approvals and permits required to successfully execute the Project. 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.

(e) Construction Plan

Provide a detailed narrative description of the approach taken in installing the proposed project, including how the respondent will coordinate work with subcontractors and the Town Highway.

(f) Financing Plan

Provide a description of any financing the respondent will propose.

(g) Measurement and Verification Plan

Indicate if and how the respondent will provide system performance monitoring via a data acquisition system (DAS). Provide a detailed description of the DAS system and the end-user interface.

(h) Operations and Maintenance Plan

The selected respondent will provide Operation & Maintenance (O&M) services for the life expectancy of the installed units. Please describe the proposed O&M procedures for the system, detailing duties performed and if the contract will be maintained with the Proposer or a third-party provider. Please briefly describe the respondent's experience providing such services for similar installations and name the key personnel in charge of handling O&M services.

(i) Implementation Plan

The proposal should outline a detailed and solid strategy that should at a minimum address the following items:

- A clear solar project development timeline;
- A clear plan for the management of ongoing operations and maintenance of the facility throughout the life of the solar project;
- Specification of the amount of solar capacity and estimated annual production.

4.7 Pricing Proposal

The preferred pricing plan is for a lease purchase agreement, but proposers are free to propose what they believe to be the most attractive, economical and understandable payment, pricing terms and conditions. Proposers are free to propose alternatives that they might offer—rather than one set offering (such as offering both a per-kW up-front-cost plan as well as PPA or several different forms of PPA).

All NYSERDA Incentives shall be identified and must be credited to the cost of the proposal.

ATTACHMENT 1: BIDDER INFORMATION FORM

TO: Town of TUXEDO in Orange County

The undersigned has read the Request for Proposal (RFP) and has carefully examined all specifications/evaluation criteria therein. The undersigned certifies that he/she has visited the site and that there are no known obstacles to prevent the execution of an agreement with the Town of TUXEDO. The undersigned acknowledges that the Town of TUXEDO may reject all proposals, or waive portions of the RFP for all proposals, if it deems it in the best interests of the public.

Signature: _____

Name: _____

Title: _____

Respondent Information

Name of Respondent: _____

Address: _____

Name of Primary Contact: _____

Title of Primary Contact: _____

Primary Contact Phone Number: _____

Primary Contact Fax Number: _____

Primary Contact Email Address: _____

Signature: _____

ATTACHMENT 2: CERTIFICATION 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)