

TOWNSHIP OF LUMBERTON

**Request for Proposals for Renewable Energy
Power Purchase Agreement (PPA)**

Section 1: General Terms

1.1 Purpose and Response Date

The Township of Lumberton hereby issues this request for proposals (RFP) pursuant to N.J.S.A. 40A:11-4.1 *et seq.* for the provision of renewable energy to the Township under a Power Purchase Agreement (PPA).

This RFP is intended to solicit proposals under which a qualified private vendor would develop finance, construct, own, operate, and maintain renewable energy systems on properties owned or controlled by Lumberton Township, based on the Township's willingness to enter a PPA for the purchase of the power generated by the system for a period not to exceed fifteen (15) years. The Township's objective is to have any proposed systems in operation on or before December 31, 2010.

Vendors responding to this RFP are permitted, but not required, to prepare and submit an integrated response that incorporates a proposal responsive to this RFP with a proposal responsive to the request for proposal (RFP) for Energy Auditing Firms issued concurrently with this RFP.

Responsive submissions are DUE NO LATER THAN 11:00 A.M. ON TUESDAY SEPTEMBER 21, 2010

Township of Lumberton
35 Municipal Drive
Lumberton, NJ 08048

Attn: Stephanie Yurko, Municipal Clerk

All submissions will be opened and the vendor name and proposed energy price terms will be read immediately following the submission deadline at the place of submission.

1.2 Township's Energy Use

The Township's known cumulative energy usage for calendar year 2009 was as follows:

<u>FISCAL YEAR</u>	<u>Entity</u>	<u>KILOWATTS USED mtr demand</u>
2009	Municipal Building	346,240
2009	Recreation Fields	14,240
2009	Public Works	61,093
2009		
2009		

2009		
2009		
	Total	1,095,298

Independent review of all bills received by the Township or review of PSE & G billing information is within the rights of any responder to this RFP.

1.3 Eligible Sites and Inspection Times

The following sites are available for potential siting of renewable energy, and may be inspected at the times and on the dates indicated below.

SITE	ADDRESS	INSPECTION TIMES
Lumberton Municipal Center	35 Municipal Drive	TBD
Rescue Squad/Public Works Site	34 Municipal Drive	TBD
Recreation Sites	35 Municipal Drive	TBD

1.4 Bidder Responsibility

The bidder assumes sole responsibility for the complete effort required in submitting a bid proposal in response to this RFP. No special consideration will be given after bid proposals are opened because of a bidder's failure to be knowledgeable as to all of the requirements of this RFP.

Lumberton Township is not responsible for any expenses that vendors may incur in submitting their bid.

Interested bidders who wish to receive copies of any RFP supplements should contact the Municipal Clerk by telephone phone at (609) 267-3217.

1.7 Evaluation Criteria

The Township of Lumberton will evaluate bids on the basis of the following criteria and weighting as applied to the bidder as a whole, including any identified subcontractors:

1. System Design (15%)
2. Price and related financial considerations. (35%)
3. System Capacity (20%)
4. Record of success in similar projects. (20%)
5. Additional local benefits. (5%)
6. Completeness of proposal. (5%)

SECTION 2: Elements of Submission

2.1 Executive Summary

Each submission shall include an executive summary of the proposal that include a brief term sheet summarizing the principal terms

2.2 Qualifications

With respect to the evaluation of qualifications, all respondents shall submit the following information with respect to their qualifications and those of any identified subcontractors or bidding partners to perform the scope of work:

Business Qualifications

- Office location from which the scope of work will be managed;
- Business presence in the local area, i.e., other customers in local area;
- Specific experience with projects of a comparable nature;
- Specific experience with the N.J. Board of Public Utilities' Clean Energy Program;
- Description of respondent's organizational structure and legal status, e.g., corporation, partnership, joint-venture for purposes of submission of proposal, etc.;
- Number of years respondent has been in business under current name;
- A list of any past or present litigation respondent has or is involved in arising from the provision of renewable energy services;
- A list of any contracts or contract awards that were prematurely terminated or abandoned by a client for any reason

Personnel Qualifications

- Identification of the project manager for respondent, including number of years with respondent's company;
- Background and professional qualifications of all personnel to be involved in this assignment, including the project manager, who will be assigned to perform scope of work (include resumes), and educational degrees held;
- Identification of personnel responsible for technical matters;
- Identification of personnel responsible for economic analysis and financing alternatives analysis.

Experience

- Listing and narrative description of all work implementing renewable energy projects for public sector and similar clients in New Jersey and the region;
- Narrative description of work on prior projects, including any data on pre-installation projections of energy cost savings and post-installation performance and realization of projected energy cost savings;
- List three similar (preferably including municipal or other public sector) assignments that the respondent has performed in the last three years. For each project, include: (i) the project name and location; (ii) the name, title, and telephone number of the owner's representative; (iii) nature of respondent's scope of work, including types of equipment installed; (v) type of contract entered into with public sector client, e.g. shared cost savings, hourly rate, percentage of time and materials, flat fee, etc....); (vi) sources of project financing; (vii) project start and end dates; and (viii) projected and realized energy cost savings.

2.3 System Design and Specifications

Bidders should provide a preliminary system design that includes:

- Preliminary site-specific design drawings and plans
- Design capacity of system components.

- Specification of major system components, including manufacturer warranties.
- Life-cycle analysis of system output and degradation.
- Projection of Lumberton’s savings for the length of the PPA Term, including a summary of major assumptions on which the projection is based.

2.4 Financial Terms

Bidders shall submit a draft PPA and/or a signed letter of intent that describes:

- Price terms, including the initial price of energy and provision for escalation.
- An option for additional municipal or public entities to “opt-in” to the PPA, or to enter a substantially identical PPA, at the same price and other terms if additional solar installation opportunities are identified.
- Allocation of responsibility for metering, billing, operation, maintenance, and repair.
- Responsibility for management of solar renewable energy certificates (SRECs) and other environmental attributes.
- Responsibility for federal, state, and local regulatory and other approvals and financing.
- Response times for repair, operation and maintenance.
- Insurance requirements.
- Force Majeure provisions.
- Any other anticipated PPA terms that are material to the evaluation criteria.

2.5 Required Forms

In addition to the foregoing, bidders or the relevant subcontractors must submit the following forms:

- Acknowledgement of insurance requirements (Form A).
- Affidavit of non-collusion. (Form B).
- Disclosure of state political campaign contributions (Form C).
- Disclosure of bidder ownership, (Form D).
- Certificate of Business Registration.
- Public Works Contractor Certification.
- Certification of workforce composition, compensation, and working conditions.

Bidder’s certification of Authority, Veracity, Non-collusion and non-debarment

TOWNSHIP OF LUMBERTON

**AFFIRMATIVE ACTION COMPLIANCE NOTICE
N.J.S.A. 10:5-31 AND N.J.A.C. 17:27**

This form is a summary of the successful bidder's requirement to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.

The successful bidder shall submit to the public agency, after notification of award but prior to execution of this contract, one of the following three documents as forms of "evidence":

- (a) A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);

- (b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4;

- (c) A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) from the contracting unit during normal business hours.

The successful vendor(s) must submit the copies of the AA302 Report to the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The Public Agency copy is submitted to the public agency, and the vendor copy is retained by the vendor.

The undersigned vendor certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27 and agrees to furnish the required forms of evidence.

The undersigned vendor further understands that his/her bid shall be rejected as non-responsive if said contractor fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.

P.L. 1975. C.127 (N.J.A.C. 17:27) MANDATORY

AFFIRMATIVE ACTION LANGUAGE

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, nation origin, ancestry, marital status, affectional or sexual orientation or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the public agency compliance officer setting for the provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers, representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment;

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2 or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal Law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, or sex, and conform with the applicable Federal law and consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal court decisions.

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance and EEO as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Contract Compliance and EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code NJAC 17:27.**

TOWNSHIP OF LUMBERTON
MANDATORY LANGUAGE- AMERICANS WITH DISABILITIES ACT OF 1990

The Federal Americans with Disabilities Act of 1990 requires bid specifications and contracts to contain language that prohibits discrimination on the basis of disability by public entities in all services, programs and activities provided or made available by public entities.