

**REQUEST FOR PROPOSALS**  
**for**  
**ENERGY MANAGEMENT SERVICES**  
**FOR SOLAR PHOTOVOLTAIC**  
**INSTALLATIONS**

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Under Massachusetts General Laws, Chapter 25A § 11C,  
Guaranteed Energy Management Contract

for the

**TOWN OF NEEDHAM, MA**  
(Awarding Authority)  
Issue Date: September 11, 2013

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Town of Needham Contract ID # 14DPW124M

**Administration**

**Name:** Ms. Kate Fitzpatrick  
**Title:** Town Manager

**Procurement Contact**

**Name:** Ms. Carys Lustig  
**Title:** DPW Supervisor of  
Administration

**Mandatory Pre-Proposal Conference**

**Date:** Monday, September 16, 2013  
**Time:** At 2:00PM

**Responses Due**

**Date:** Friday, October 4, 2013  
**Time:** No later than 3:00 PM

**REQUEST FOR PROPOSALS  
ENERGY MANAGEMENT SERVICES**

**TOWN OF NEEDHAM, MA**

**1. SOLICITATION AND PROPOSAL PROCESS**

The Town of Needham, MA (the “*Town*”) is issuing this Request for Proposals (“*RFP*”) to solicit proposals under M.G.L. c. 25A, § 11C, from solar energy developers (“*Respondents*”) to:

1. Install, own, operate, and maintain solar photovoltaic energy systems (“*Solar Energy Systems*” or “*Systems*”) at the following:

A) Primary Location:

Town of Needham Capped Landfill, 1407 Central Ave, Needham, MA. A detailed description of the Primary location is located in Attachment B to this RFP.

B) Additional Locations:

Respondents may suggest possible locations and/or a methodology or phasing by which other locations on the Recycling and Transfer Station (RTS) property would be added to the primary location identified in this RFP and the benefits those additional locations would provide to the Town. Priority will be given to Solar PV installations on the RTS parcel which utilize existing rooftops and pre-disturbed areas of the parcel and provide synergies with current and future operations of this facility, or other benefits to the town.

2. Furnish the Town with solar-generated electricity generated at the Primary and possibly Additional Locations. The generation will be provided to the Town by the Systems under a twenty (20) year energy management services agreement (“EMSA”), inclusive of solar power/net metering purchase provisions and solar lease provisions that provides the Town with the maximum savings and/or offset for its electrical needs without increasing its current liabilities.

It is the desire of the Town to site the Primary Solar Energy Systems for the benefit of its citizens, the environment, and reduce reliance on foreign sources of energy. This Request for Proposals is being issued to allow the Town to evaluate options and determine the projects and financial arrangements that best meet the Town interest.

The Town is interested in receiving proposals for the Primary and Additional locations. The Primary and Additional locations are hereafter referred to as the "Premises". Respondents are required to submit proposals for the Primary location, but are not required to submit proposals for Additional locations. Town will evaluate all proposals and reserve the right to select one or more proposals that provide the best economic solution for the Town.

The Town is also considering issuing a second RFP for roof-top locations on Town owned buildings at a future time under a power purchase and licensing agreement. Respondents are welcome to express their interest to participate in this future opportunity, but no detailed response on roof-top locations outside the RTS parcel is required at this time.

Proposals from Respondents, as required in accordance with all terms and specifications contained herein, must be submitted according to the following schedule:

**Proposals are due on Friday, October 4 , 2013, no later than 3:00 PM.**

**Mandatory Pre-Proposal Conference** - A Mandatory Pre-Proposal Conference will be held on Monday September 16, 2013 at 2:00 PM in the Charles River Room 500 Dedham Ave, Needham, MA. Only prospective Respondents attending the Mandatory Pre-Submission Conference will be permitted to submit proposals. Interested Respondents are requested to R.S.V.P. to the Town Owner's Agent, Beth Greenblatt of Beacon Integrated Solutions by Thursday September 12, 2013 at [bgreenblatt@beacon-llc.com](mailto:bgreenblatt@beacon-llc.com).

**Optional Premises Tours** - Following the pre-proposal conference, non-mandatory tours of the Premises will be offered by the Town. Tours of the capped landfill site will be conducted immediately following the pre-proposal conference on Monday September 16, 2013. Additional tours of the capped landfill, if requested, can be arranged on Friday September 20, 2013; 2:00PM.

**Questions Deadline** - All questions pertaining to this RFP should be referred to Beth Greenblatt at [bgreenblatt@beacon-llc.com](mailto:bgreenblatt@beacon-llc.com) prior to **3:00 PM EDT on Friday, September 20, 2013.**

**Proposals must be received by Friday October 4, 2013, no later than 3:00 PM and shall be addressed to:**

Carys Lustig  
Supervisor of Administration  
Needham Department of Public Works  
Public Services Administration Building  
500 Dedham Ave  
Needham, MA 02492

All materials must be contained in a single envelope or package cleared labeled **Energy Management Services 14DPW124M**. 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 proposal on behalf of the Respondent.

The Respondent's proposal shall include in separate sealed envelopes a "***Non-Price Proposal***" and a "***Price Proposal***."

- The ***Non-Price Proposal*** must include 1 original and 8 double-sided hard copies and an electronic copy on a CD-ROM or flash drive in Adobe (PDF) format and shall be placed in a sealed envelope within the outer package marked with the Respondent's ***company name***, and plainly marked in the lower left hand corner: "**Solar Energy System Non-Price Proposal - Hold for Public Opening.**"
- The ***Price Proposal*** must include 1 original and 8 double-sided hard copies and an electronic copy on a CD-ROM or flash drive in Adobe (PDF) format and Microsoft Excel format as required, and shall be placed in a separate sealed envelope within the outer package marked with the Respondent's ***company name***, and plainly marked in the lower left hand corner: "**Solar Energy System Price Proposal - Hold for Public Opening.**"

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

It is the Respondents' responsibility to see that its proposal is delivered within the time and at the place prescribed. No proposals shall be opened by the Town until the time set for opening (the "***Public Opening***"). Proposals may be withdrawn upon written request (on the letterhead of the Respondents and signed by the person signing the proposal) and must be

received prior to the Public Opening. Proposals may be modified in the same manner. No proposal or modification thereof received after the Public Opening will be considered.

No selected Respondents shall discriminate against any employee or applicant for employment because of a physical or mental handicap for any position for which the employee or applicant is qualified and, in the event of noncompliance, the Town may declare the selected Respondents in breach and take any necessary legal recourse including termination or cancellation of any contract awarded pursuant to this RFP.

A Respondent filing a proposal thereby certifies that 1) no officer, agent, or employee of the Town of Needham has a pecuniary interest in the proposal or has participated in contract negotiations on the part of the Town; 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.

1 copy of this RFP will be furnished electronically to Respondents upon request. It is the Respondent's responsibility to check prior to the Public Opening for any updates issued as a result of questions or changes needed in this RFP.

This RFP contains the following Attachments:

**Attachment A – Proposal Forms**

- Attachment A-1 – Respondent Information Form
- Attachment A-2 – Certificate of Non-Collusion
- Attachment A-3 – Attestation Regarding Filing of Tax Returns
- Attachment A-4 – Disclosure of Beneficial Interests in Real Property Disclosure
- Attachment A-5 – Certification Regarding Debarment
- Attachment A-6 – Certificate of Authority

**Attachment B – Description of Premises**

**Primary Location**

- Town Needham, MA – Primary Location, Capped Landfill at the Recycling and Transfer Station (RTS) – 1407 Central Ave, Needham, MA

**Additional Locations at RTS**

- Salt Storage Building
- Transfer Station
- Storage Building
- RTS Site Plan

**Attachment C – Municipal Energy Usage Data**

Attachment C-1 – Town of Needham, MA – Public Buildings

Attachment C-2 – Town of Needham, MA – Street lights, RTS and Water Treatment Plant

**Attachment D – Pricing Bid Forms**

Workbook in MS Excel format

**Attachment E – Draft Energy Management Services Contract**

To be included by Addendum and provided at the Mandatory Pre-Proposal Meeting

**Attachment F – Draft Solar Photovoltaic Zoning District Overlay**

To be included by Addendum and provided at the Mandatory Pre-Proposal Meeting

**2. SCHEDULE**

Request for Proposals Issued	Sept 11, 2013
Mandatory Pre-Submission Conference with the Town	September 16, 2013; 2:00PM
Questions Due to the Town	September 20, 2013
Optional additional tour of the Capped Landfill	September 20, 2013 2:00PM
Responses to Questions/Addenda Issued by the Town	September 27, 2013
Proposals Due to the Town (See address requirements in RFP)	October 4, 2013; No later than 3PM
Public Opening – Immediately following 3:00 PM deadline	October 4, 2013
Anticipated Interviews (Evenings)	October 16 & 17, 2013
Anticipated Selection of Most Qualified Respondent	By October 30, 2013
Town Meeting Approval of Warrant Articles	Week of November 4, 2013

### 3. GENERAL TERMS AND CONDITIONS

3.1 Receipt and Opening of Proposals. Sealed proposals will be accepted by the Town until the time indicated in the schedule in Section 2 above and will then be publicly opened in the Charles River Room at 500 Dedham Ave, Needham at 3:00PM in the presence of at least two witnesses. The Town will prepare a listing of responses available for public inspection.

3.2 Form of Response. Proposals must be submitted in the format prescribed in the RFP and must include the forms attached to this RFP in Attachment A. No change shall be made in the phraseology of the forms in Attachment A or in the item or items mentioned herein. The proposal must contain the name and proper address of the Respondent, be signed by a responsible member of the Respondent with his/her signature and official title, and include certification of site visitation. Except as otherwise provided in this RFP, responses that are incomplete, contain any omissions, erasures, alterations, additions or irregularities of any kind may be rejected.

Submission of a proposal shall be conclusive evidence that the Respondent has examined the Premises and the EMSA and is familiar with all the conditions of this procurement. Upon finding any omissions or discrepancy in the proposal documents, the Respondent shall notify the Issuer immediately so that any necessary addenda may be issued. Failure of the Respondent to completely investigate the Premises and/or to be thoroughly familiar with the contract documents (including plans, specifications and all addenda) shall in no way relieve the Respondent from any obligation with respect to the proposal.

#### 3.3 Submission of Proposals.

(a) Packages containing responses must be sealed and addressed as specified in Section 1 above.

(b) Any Respondent may withdraw or modify its proposal by written request at any time prior to the established time of the Public Opening. Telephone or email responses, amendments or withdrawals will not be accepted.

(c) After the Public Opening, a Respondent may withdraw, but may not modify, its proposal 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 proposal confers no rights for the modification of the proposal after it has been opened.

(d) Proposals received prior to the Public Opening will be securely kept unopened. No responsibility will attach to an officer or person for the premature opening of a response not properly addressed and identified.

(e) Any deviation from the requirements of this RFP must be noted in writing and attached as a part of the proposal. The Respondent shall indicate the item or part with the deviation and indicate how the response deviates from the requirements.

(f) Any Respondent taking exception to, or questioning any of the provisions, procedures, conditions, or specifications herein stated, should clearly articulate such exceptions in the proposal in a separate section entitled “Exceptions”.

(g) All substantive inquiries from prospective Respondents concerning this RFP must be submitted in writing, electronically to Beth Greenblatt at [bgreenblatt@beacon-llc.com](mailto:bgreenblatt@beacon-llc.com) by the date on schedule and may be shared with other prospective Respondents. All responses to substantive questions shall be in writing and will be simultaneously distributed to all recipients of the RFP and posted on the Town of Needham web site.

(h) The Town may in its discretion waive any and all informalities or allow the Respondent to correct them.

### 3.4 Submission of *Non-Price Proposals*

The *Non-Price Proposal* must demonstrate that it meets the minimum qualifications and requirements of this RFP by including the following documents:

(a) Documentation evidencing that the Respondent is responsible, demonstrably possessing the skill, ability and integrity necessary to faithfully perform the work required by a particular contract, based upon a determination of competent workmanship and financial soundness in accordance with M.G.L. c. 149, § 44D.

(b) All Department of Capital Asset Management and Maintenance (“DCAMM”) certificates of eligibility and update statements required pursuant to M.G.L. c. 25A, § 11C.

(c) Certification of financial interest disclosure and of non-collusion, signed and submitted on the form attached to this RFP as Attachment A-2.

(d) Certification of compliance with state tax laws, reporting of employees and contractors, and withholding and remitting of child support, as required by M.G.L. c. 62C, § 49A, signed and submitted on the form attached to this RFP as Attachment A-3.

(e) Disclosure of any Beneficial Interests in Real Property, signed and submitted on the form attached to this RFP as Attachment A-4.

(f) Certification Regarding Debarment, signed and submitted on the form attached to this RFP as Attachment A-5.

(g) Certificate of Authority – Must only be submitted if the Respondent's transmittal letter and Certification is not signed by the President or Owner of the company- using the form attached to this RFP as Attachment A-6.

(h) Letter of transmittal, signed by an individual authorized to bind the Respondent contractually, certifying that the Respondent will, if selected to negotiate the contract with the Town, be prepared to promptly and actively participate in such negotiations.

(i) Certification that the Respondent, if ultimately awarded a contract, will guarantee completion of all work required within due dates or the time periods needed.

### 3.5 Evaluation of *Non-Price Proposals*.

The Town will utilize an evaluation system, rank the qualified Respondents and identify the three most 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 on the qualifications forms.

The evaluation process may include verification of references, confirmation of financial information and examination of other information as the Town deems appropriate. The Town will conduct interviews as required by M.G.L. c. 25A, Sec. 11C, and such additional interviews as it may deem necessary to evaluate the Respondents. The Town may require public presentations by Respondents. The Town reserves the right to request or obtain additional information about any and all responses.

Proposals shall be evaluated by the Town in accordance with Section 9 of this RFP.

Please note that while the Town anticipates selecting one firm to provide Systems for each of the Premises, the Town reserves the right to select multiple proposals and Respondents based on price proposals evaluations, Respondent's qualifications, experience, capacity to deliver and financial capabilities as determined by the Town.

### 3.6 Submission of Price Proposals.

The 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. The Town will provide every reasonable form of assistance in terms of site access,

The **Price Proposal** must include:

- a) Prices and information per Bid Forms as provided in Attachment D. Please note that the Town requires pricing proposals for the Primary Location and any or all of the Additional locations at the RTS parcel that the Respondent indicates are viable and for which the Respondent is interested in submitting a proposal. Respondents must provide a Schedule of Termination Values for all Systems proposed. Such Schedule of Termination Values is provided in Attachment D. Electronic workbooks are provided as part of this RFP.
- b) **For the Primary Location**, the Respondent must provide pricing for both a 2 MW AC system in order to establish a baseline, and a system of optimal size, as determined by the Respondent, based on site suitability, generation potential and available developable real estate. Respondents must include in its pricing proposals the unit cost impact, in terms of dollars per kilowatt-hour, for the following illustrative lease payment and personal/real property tax payment in lieu of tax ("PILOT") agreement:
  - Annual Lease Payment: \$50,000 with an annual escalator of 0%
  - Annual PILOT Payment: \$50,000 with an annual escalator of 0%.
- c) **For Additional Locations**, the Respondent must include in its pricing proposals for each location the information required on the spreadsheet. The selected Respondent will be expected and required to conduct proper technical and structural analysis to determine the appropriate sizing and coordination with ongoing and future operations on the RTS site.

- d) The methodology and cost of any annual energy escalators shall specifically state whether such escalation factors are tied to specific market indices (and identify those market indices).
- e) Demonstration that the Respondent has fully incorporated into the proposal price all financial benefits realized by the Respondents from federal tax incentives (including credits, rebates and accelerated depreciation), State incentives, local utility incentives, Solar Renewable Energy Credits (“SREC”), ISO-New England forward capacity payments, and others, all as applicable.
- f) A detailed listing of any assumptions made in its pricing models that are indicative, and potentially subject to change, including SRECs, interconnection costs, permitting fees, decommissioning assurance, among others. The Town’s assessment of such indicative pricing assumptions shall weigh into its proposal evaluation.

### 3.7 Evaluation of *Price Proposal*

**Best Price Criteria:** The “best” response price will be determined by two factors:

- 1) The greatest total financial return to the Town over the 20 year period of the Agreement. The Town is seeking the most beneficial proposal that addresses annual lease payments, discounted electricity pricing or a combination of both that provides the best overall value to the Town; and
- 2) The highest protection to the Town against future price risk.

### 3.8 Award and Contract Execution

After a composite rating has been assigned for each *Non-Price Proposal* on the basis of the evaluation criteria in Section 9 of this RFP, the Town shall then review the *Price Proposals* and determine the most advantageous proposal, taking into consideration the Non-Price Proposal ratings and the price.

Based upon the results of the evaluation of the Proposals and interview process (if applicable), a ranking recommendation will be developed and submitted for approval by the respective governing authorities within the Town of Needham.

The top-ranked Respondent(s) from the list (considering the Non-Price and Price Proposals) will be contacted for negotiation of an EMSA. If an agreement cannot be reached, negotiations with other Respondents, in order of their ranking, will be conducted until an agreement can be reached. The Town 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 discard all bids.

All Respondents will be notified in writing of the decision of the Town. The successful Respondent will execute an EMSA in the form attached hereto in Attachment E. All Respondents should review the EMSA and confer with an attorney prior to submitting a proposal in response to this RFP. **Any changes, objections, exceptions or comments to Attachment E must be specifically noted in the proposal submission or will not be considered during negotiations.** The Town reserves the right to reject any requested changes identified by the Respondents if not previously agreed upon during the proposal review and interview process.

The Town has multiple warrants which must be passed during the November 2013 Town Meeting. One will enable the Board of Selectmen and Town Manager to enter into the EMSA, a second will allow for a Payment in Lieu of Taxes (“PILOT”) Agreement, and a third will create the Solar Photovoltaic Zoning District Overlay within the Needham Zoning By-Law. The Town and the selected Respondent shall negotiate in good faith based on these approvals being granted at November Town Meeting.

If the Town and the most qualified Respondent are unable, within 60 days following the Town’s notice of commencement of negotiations with a Respondent (or such longer period of time as the Town may deem appropriate), to negotiate a satisfactory EMSA with that Respondent at a price the Town determine to be fair, competitive, and reasonable, the Town shall continue in compliance with M.G.L. c. 25A, Sec. 11C.

### 3.9 EMSA Requirements to be addressed in the Proposal.

The proposal must demonstrate the Respondent’s willingness and ability to comply with the following expected contract requirements:

a) Guarantee Provisions Pursuant to M.G.L. c. 25A § 11C:

1. System Production Guarantee - The selected Respondents will be required to guarantee that the System will produce all or a portion of the expected annual

electricity output in each contract year, as adjusted by the accepted annual system degradation factor. On the first anniversary of the commercial operation date and each anniversary of the commercial operation date thereafter during the Term, the guaranteed annual electricity output shall be decreased by the accepted annual system degradation factor. Respondents shall determine the expected annual electricity output and commit to an annual guaranteed electricity output. Respondents shall specifically identify the percentage of the expected annual electricity output that it will guarantee on an annual basis.

2. Measurement and Verification Protocol: Methods for monitoring and guaranteeing electricity generation produced by the Systems shall conform to the most recent Performance Measurement and Verification Protocol (IPMVP) and standards established by the Federal Energy Management Program of the U.S. Department of Energy. Respondents shall describe in detail its methodology for monitoring, measuring and verifying electricity generation.
  3. Shortfall Obligations: The Town shall require that in the event of an electricity output shortfall in any contract year, the selected Respondent shall pay the Town the retail rate for electricity of the local electric distribution company for each kWh of such verified production shortfall. The Town acknowledges that the calculation of any production shortfall will be based on the system availability as determined using the then-current annual weather data from the weather station at Blue Hills Reservation, Milton, MA, or other such location as proposed by the Respondent. Such weather data shall document the availability and duration of the sun during the specific annual guarantee period. Any alternative methods for addressing production shortfalls for the Town's consideration must be provided by Respondents in response to this RFP.
- b) Insurance.
1. The selected Respondents shall be required to provide the Town with proof that they will be able to purchase and maintain, for the term of the EMSA or longer as may be required by the EMSA, from a company or companies lawfully authorized to do business in the Commonwealth and having a rating no lower than A- (Excellent) from A.M. Best's Key Rating Guide (latest edition in effect at

the date of the EMSA and at the time of renewal of any policies required by the EMSA), the following insurance:

- i. Commercial general liability insurance (form CG 00 01 or equivalent) in a limit of not less than \$2,000,000 per occurrence, \$2,000,000 per occurrence for personal injury liability, \$4,000,000 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.
- ii. Minimum additional \$5,000,000 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.
- iii. Professional Liability Insurance, covering errors and omissions, \$2,000,000 each occurrence and \$4,000,000 aggregate limit.
- iv. 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 \$250,000 bodily injury per person, \$500,000 bodily injury per accident, and \$250,000 property damage per accident with an endorsement that the policy covers business related use with an additional \$1,000,000 personal umbrella policy.
- v. Workers' Compensation coverage as required by Chapter 152 of the Massachusetts General Laws with Employers' Liability limits of \$500,000 each accident, \$500,000 disease-each employee and \$500,000 disease-policy limit.

2. Additional Insurance Requirements for the Selected Firm:

- i. The selected firm will agree that the Commercial General Liability insurance set forth above shall be primary and non-contributing with respect to any insurance carried by the Town or the selected firm's subcontractor(s).
- ii. The selected firm's insurance policy shall not (i) exclude subcontractors from coverage or (ii) have any restrictions on coverage resulting from subcontractors failing to maintain certain levels of insurance.

- iii. The selected firm's insurance shall name the Town as additional insured with coverage at least as broad as the coverage provided to the named insured.
- iv. The selected firm will agree that the insurance set forth above shall be written on an occurrence basis, unless the Town approves in writing, coverage on a claims-made basis.
- v. Certificates of insurance reasonably acceptable to the Town that include insurance coverage's required and specified above shall be delivered to the Town promptly after execution of the EMSA. Each policy shall contain all generally applicable conditions, definitions, exclusions and endorsements related to the project.
- vi. The certificates and the insurance policies required will contain a provision that coverage's afforded under the policies will not be canceled, modified or allowed to expire until at least thirty (30) days' prior written notice has been given to the Town. The Town will accept a 10 day notice for cancellation for non-payment of premium as required by insurance company. In the event that any insurance policy providing coverage required by the EMSA will expire during the term of the EMSA, the selected firm will, not less than fifteen (15) days prior to the policy's expiration date, deliver to the Town certificates of insurance evidencing renewal of such policies.
- vii. The failure to provide and continue in force any insurance required in accordance with the terms of the EMSA shall constitute a material breach of the EMSA.

(c) Prevailing Wages. To the extent applicable, the successful Respondent shall comply with Massachusetts "prevailing wage" laws.

(d) Subcontracting. Except to the extent contemplated in the proposal and permitted in the EMSA, the EMSA will prohibit assignment or subcontracting without the Town's express prior written approval.

(e) Bonding. The selected Respondent will be required (upon execution of the EMSA) to provide the Town with 100% payment and performance bonds for this project from a surety company licensed to do business in the Commonwealth and whose name appears on United States Treasury Department Circular 570.

(f) Indemnification. The EMSA will require that the selected Respondent hold harmless and indemnify the Town 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 EMSA.

(g) 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.

(h) Governing Law and Venue. All EMSAs entered into by the Town shall be governed by the Laws of the Commonwealth of Massachusetts. Any disputes shall be resolved within the Towns preferred venue is the Dedham District Court or the Norfolk Superior Court of the Commonwealth of Massachusetts.

(i) Standard Contract Terms. Any EMSA resulting from this RFP shall meet the requirements set forth in M.G.L. c. 25A, § 11C and will include, to the extent required by the Town, the Town's standard contract terms.

#### 4. SCOPE AND PURPOSE

The Town seeks proposals from entities in the business of designing, financing, installing, owning, operating and maintaining Systems to finance, install, own, operate and maintain such Systems on various town-owned sites (the "Project"). The Town desires to purchase from the selected Respondent all of the solar electricity generated by the Systems for use by the Town in buildings and facilities located on properties owned by the Town for a period not to exceed twenty (20) years (the "Term"). A summary of municipal energy consumption for the Town of Needham is provided in Attachment C.

The selected Respondent will own the System and will be responsible for the design, engineering, permitting (State and Local), installation, testing, operation, maintenance, repair and decommissioning of the System, including, without limitation, procurement of the solar photovoltaic equipment and related services (the "Solar Energy System Assets").

It is the Town's expectation that the System(s) will generate sufficient electric generation that will result in net metering benefits to the Town over the life of the contract. The selected Respondent will be responsible to facilitate all necessary actions, applications,

information and data to ensure the Town receives a net metering cap allocation under the Massachusetts System of Assurance.

## 5. PROJECT SITE AND EXISTING SITE CONDITIONS

### 5.1 Premises Description.

The Premises are described in Attachment B attached to this RFP which contains a description of the Primary Location as well as potential Additional Locations identified by the Town. Respondents may suggest other possible locations and/or a methodology by which other locations would be added to those locations identified in this RFP and the benefits they believe additional sites would provide to the Town.

### 5.2 Site Conditions.

Before submitting a proposal, each Respondent will be responsible for obtaining such additional studies and data concerning conditions (surface, subsurface and underground facilities) at the Premises or otherwise, which may affect the Respondent's ability to promptly negotiate the contract if selected, or which the Respondent otherwise reasonably deems necessary to develop a proposal to undertake the Project in accordance with the terms and conditions of this RFP.

### 5.3 Town Support.

To facilitate the development of the Project, the Town will make best efforts to support the selected Respondent as follows:

- (a) Provide reasonable access to the Premises to obtain data (whether required or reasonably requested by the Respondent);
- (b) Grant to the selected Respondent sufficient access and occupancy rights to allow the selected Respondent to undertake the Project at the Premises with the constraints noted in this RFP;
- (c) Provide access for the installation, maintenance, ongoing operation and eventual decommissioning of the System;
- (d) To the extent reasonable and appropriate, provide information to the selected Respondent to assist in securing any permits for the Project, including but not limited to local board approvals; and

(e) Cooperate with the selected Respondent to the extent reasonable and appropriate on remaining issues with respect to access, construction, interconnection and eventual decommissioning.

## 6. CONTRACTING REQUIREMENTS

### 6.1 Key Requirements.

The selected Respondent and the Town will enter into an EMSA in the form of Attachment E, pursuant to which the selected Respondent will: (a) obtain from the Town the right to install, own, operate and maintain the Systems on the Premises, and (b) sell electric power generated by the Systems to the Town and/or NStar Electric on behalf of the Town as appropriate. The Respondent must include within their proposal assurances to achieve the following items:

- a) Sizing and Site Feasibility - The selected Respondent will be required to demonstrate prior to execution of the EMSA, the suitability of Systems at each location, including but not limited to installation on the capped landfill and environmental/code compliance for all Systems, structural integrity of any rooftop installations at on existing RTS buildings and other areas that do not impact the on-going RTS operations and provide benefits to the Town.
- b) Permits and Approvals - The selected Respondent will be responsible for obtaining all necessary State and Local permits and approvals from the Massachusetts Department of Environmental Protection (DEP) and must comply with all Local requirements including the Conservation Commission, Planning Board, Zoning Board and Building Department.
- c) End of life - At the end of the Term, the selected Respondent will retain ownership of the System and be required to remove the Systems, unless the Town decides to either negotiate a new Contract with the selected Respondent or exercise any right of purchase that is included in the EMSA. The EMSA will include a requirement for the posting of a financial decommissioning assurance mechanism to ensure that the System is removed.
- d) EMSA - The EMSA is a standard performance-based contract involving the generation and purchase of quantities of electricity/net metering credits at a specified price, guaranteed by the Respondent or its affiliates.

The EMSA must include:

- i. Expected annual electricity output (kWh/year);
  - ii. Minimum guaranteed annual electricity output (kWh/year);
  - iii. Annual system degradation factors;
  - iv. Annual energy escalator (electric price increase factor); and
  - v. Schedule of termination values with and without removal costs.
- e) Tax Credits and Incentives - It is expected that the selected Respondent will pursue tax credits and incentives, rebates, and other benefits that are available and/or may become available in the future. The Respondent's proposal shall include a plan for the disposition and/or assignment of:
- i. any environmental or other attributes (such as RECs, SRECs, greenhouse gas offsets, or forward capacity market payments) that are generated in connection with the operation of the Systems;
  - ii. any tax credits or incentives generated in connection with the operation of the Systems; and
  - iii. any grants or rebates obtained in connection with the installation of the Systems. The proposal shall address how it will allocate any financial impacts on its Price Proposal caused by changes in law.
- f) Metering Equipment - The selected Respondent will be required to obtain at its sole cost all approvals and agreements required for interconnection of the Systems to NStar Electric, the local utility distribution company ("LDC" or "NStar"). Respondents shall be required to provide, install, own, operate and maintain metering equipment in accordance with specifications and requirements set forth by the LDC for the purpose of interconnection and net metering, and shall be required to maintain and test the metering device in accordance with applicable LDC requirements.
- g) Generation Capacity - The generation capacity of the Systems generally should not exceed the expected "base load" electricity consumption requirements of the Town's public facilities. To the extent that generation is not coincident with the Town's actual consumption, the proposal must include a plan for the disposition of any generation/net metering credits in excess of what will be purchased by the Town (e.g., net metering, offsets, or sale into the wholesale power market grid).
- h) Collection of Energy Data - The Respondent's proposal must include a plan to collect energy data at the facilities to assist the Town in evaluating the performance of the

System(s) and to document performance in accordance with the performance guarantee of the Respondent. Specifically, Respondent's must address the methods and systems to be used to meter, in real-time (or near real-time) the performance of the Systems.

## 7. PROPOSAL REQUIREMENTS

Contents must include:

### 7.1 Transmittal Letter.

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

### 7.2 Respondent Information.

Company Profile:

- (a) Year founded and number of continuous years in business. Minimum of five (5)-years in business is required.
- (b) Ownership status (private or publicly-held).
- (c) Number of employees in local branch office at the time of submittal (full-time employees, excluding contractors).
- (d) Corporate Office location
- (e) Local Office location.

Project Team:

- (a) Team leader identification for the entire proposal, including full contact information, office location and key qualifications and professional credentials.
- (b) Identification of each business entity, person or firm involved in the proposal and their role (design, installation, permitting, equipment supply by component, operations and maintenance, etc.). Prior experience collaborating on projects is preferred.
- (c) Resumes of personnel directly involved with the development of the proposed Systems. Provide evidence of NABCEP-certified Installer, Professional Engineer (P.E.), and Master Electrician.

Licensing:

- (a) Provide a list of all relevant State-Specific Contracting Licenses held, including classification and number.
- (b) List any Electrical, Structural and/or Mechanical Engineering Licenses held by firm members, including classification and number.

Insurance:

- (a) Provide evidence of the insurance limits held by firm demonstrating Respondent's ability to comply with the insurance requirements set forth in Section 3.7 (b) of this RFP.
- (b) Financially viable insurance rating.

Safety History:

- (a) List your firm's OSHA ratings (Recordable Incidence Rates and Lost Workday Incident Rates) for the past 3 years.

Capital Finance Capability:

- (a) Provide a description of the relevant financing structure for the proposed Project. Detail any unique features that the firm's model offers in comparison to traditional third-party financing structures.
- (b) Provide evidence that the firm or its affiliates, subsidiaries or partners has the ability to secure financing for the total installed cost of the System proposed in response to this RFP. This should be in the form of a commitment letter from the anticipated funding source.

### 7.3 Relevant Solar Project Experience

- (a) List the number, size (in kW DC) and location of PV projects completed in Massachusetts and/or the Northeast within the past 3 years.
- (b) List the total capacity (in kW DC) of operational solar PV installations completed by the firm to date.
- (c) List the total capacity (in kW DC) of solar PV systems installed in the Northeast via the following methods:
  - Capped Landfills
  - Roof-mounted systems
  - Carport/Shade Structure mounted systems
  - Ground-mounted systems
  - Other

- (d) List experience in installing solar PV systems on Capped Landfills within the Massachusetts, in the Northeast or elsewhere in the country if the experience is relevant to this RFP. As part of this response, please provide a detailed discussion of the firm’s experience working with MA Department of Environmental Protection (“MA DEP”), and other State or Local regulatory authorities.
- (e) List firm’s direct experience with installed solar PV module technologies including brand, module rating and technology type (crystalline, thin-film, etc.). If the firm has any proprietary and/or exclusive corporate affiliation to any materials, equipment, or manufacturers related to the System, please state those relationships.
- (f) Provide a listing of all Massachusetts solar PV projects implemented under M.G.L. c. 25A § 11I or 11C and identify whether those projects were contracted under a power purchase agreement/lease agreement or a design-build energy management services agreement.
- (g) Discuss in detail Respondents’ direct experience interconnecting into LDC distribution systems, specifically NStar. Please discuss any challenges realized and the firm’s efforts to overcome such challenges.
- (h) Discuss firm’s approach and success in incorporating “renewable energy” into educational curriculum.

#### 7.4 References

- (a) For the projects listed above, please provide reference information as listed below. Please note that the Town may contact all or some of the reference listed to aide in the Town’s assessment of Respondent’s proposal. Required information includes:
  - Reference project name and location.
  - Host Customer’s and/or Owner’s name with contact person’s name, email, address, phone number.
  - Date completed
  - Indicate if the installation was installed as a remote net metering asset or for the benefit of the local host community.
  - Any other installation-specific information that may be relevant.

## 8. PROPOSED SOLAR PV SYSTEM

### 8.1 Proposed Solar PV System for Each of the Premises

- (a) *System Components:* Include an overview of the proposed photovoltaic system, including brief descriptions of the main components (at a minimum modules, inverters, mounting and data acquisition systems). Specification sheets for any proposed technologies are encouraged. Proposals shall list the specific system components for each of the Premises.
- (b) *Design:* Include Preliminary Drawings for each of the Premises for the proposed solution that include at a minimum:
- System size (in kW DC and kW AC)
  - List of all proposed equipment including panels, inverters, mounting system (stationary or tracking), data acquisition system, and other equipment, along with manufacturer's cut sheets
  - Location of modules (including tilt)
  - Location of inverters
  - Discussion whether the System sizing and configuration is based on a structural analysis or engineering study by a licensed engineer or based on a calculated load analysis.
  - Any other site-specific information that will aid in overall evaluation.
- (c) *Structural Issues:* Respondents must discuss for each of the Premises its process for handling snow accumulation on any roof-mounted systems. Specifically, the Town requires a detailed explanation of roles and responsibilities assessing snow loads and for snow removal.
- (d) *Schedule:* Include a Preliminary Project Implementation Schedule that accounts for milestones in the Design, Construction, Interconnection and Closeout Stages. Milestones should include (at a minimum):
- Award & Contract Negotiation
  - Design Period
  - Permitting
  - Completion of Balance of System Design
  - Secure System Equipment and Assets
  - Substantial Completion
  - Installation
  - LDC Interconnection
  - System Commissioning (Energizing)
  - Delivery of Closeout Documentation

- (e) *Interconnection*: Describe Respondent's approach to interconnecting the system to the NStar distribution systems. Respondent shall be required to complete all requirements of the specific interconnection process according to tariff requirements. Discuss Respondents familiarity and experience interconnecting to NStar.

## 8.2 System Performance Monitoring, Warranty and Service (O&M) for Each of the Premises

- (a) *Monitoring Solution*: Indicate how the firm will provide system performance monitoring via a data acquisition system (DAS). Provide a detailed description of the DAS system and provide a detailed description of the end-user interface.
- (b) *Warranties*: Describe any warranties associated with the install, including full system coverage and/or warranties associated with individual components. Discuss whether such warranties, including extended warranties pass to the Town upon transfer of ownership.
- (c) *Operations & Maintenance Services and Town Training*: The Respondents will provide Operation & Maintenance (O&M) services for the full term of the EMSA.
- Describe the proposed O&M procedures for each System, detailing duties performed and if the EMSA will be maintained by the selected Respondent or a third-party provider.
  - Briefly describe the firm's experience providing such services for similar installations and name the key personnel in charge of handling O&M services.
  - Describe Respondent's approach to training Town safety officials and RTS operations staff on emergency procedures.

## 8.3 Education and Outreach

The Town is interested in using the Project as an educational tool for schoolchildren and the community. The Respondent must explain its approach with respect to leveraging the educational value of solar energy systems. In addition to any other educational tools the Respondent must provide a web-based monitoring system to be linked to the Town website. This link must clearly display the benefits of the PV installation and must serve students/residents of all ages. Ideally the monitoring will include: real-time or near real-time kWh generation; and actual year to date and lifetime kWh for the solar installations.

Respondents shall also address any additional benefits it will offer the Town including, but not limited to remote LDC/LED panel screens for public viewing of system performance, educational curriculum programming support, and any demonstration projects. The Town is interested in a kiosk at the RTS with real-time data on energy generation from the PV on the capped landfill, most likely located near the main office.

## 9. EVALUATION CRITERIA

At a minimum, Respondents shall meet the following requirements:

### 9.1 Minimum Criteria Requirements

Each of the items listed on the following table shall be marked (Y) if supplied and (N) if not supplied. Proposals that do not contain all items enumerated in Minimum Required Items as set forth below, may be disqualified prior to further qualification review at the discretion of the Town.

- (a) Proposal Completeness and Adherence to Form
- (b) Bond Capability - Respondents shall provide evidence of bond capability of at least the value of the construction from a surety company licensed to do business in the Commonwealth and whose name appears on the U.S. Treasury Department Circular 570.
- (c) Form of legal entity and year entity was established.
- (d) List any other legal names of the firm, including but not limited to the names of any affiliates, subsidiaries or special purpose entities of the firm, and formation date of such affiliates, subsidiaries or special purpose entities.
- (e) Describe any changes in ownership status over the past five (5) years.
- (f) List ultimate parent company, if applicable.
- (g) Federal Tax Identification
- (h) DCAMM Certificate of Eligibility and Update Statement. Please note that the Town will require either the Engineer of Record or the Construction Firm to be certified in the Energy Management or Electrical categories.
- (i) Financial Statements – Please submit detailed financial report for the Respondent prepared in accordance with generally accepted accounting principles (GAAP) reflecting the current (as of the most recent financial statement date) financial condition of the firm. Such report must include a balance sheet, income statement and statement of cash flows, along with applicable footnotes, dated concurrently for at least each of the last preceding 3 years ending on the most recent fiscal quarter such statements were

prepared. Public entities or subsidiaries should attach SEC Form 10-K along with, as applicable, detailed unaudited statements for the submitting firm. Non-public firms may attach either unaudited financial statements or copies of tax forms and schedule that are filed with the Internal Revenue Service where applicable. To the extent this information is considered sensitive, competitive or confidential; Respondent must provide such information in a separate sealed envelope and clearly indentify such information as sensitive, competitive or confidential.

- (j) Lawsuits and Disputes – Discuss whether your firm (including any affiliates, subsidiaries or special purpose entities) has ever been involved in a lawsuit or dispute regarding a contract. If so, please provide all such incidents and describe the circumstances and outcomes of such lawsuit(s) or litigation. Further, please discuss whether your firm has been barred from providing performance-based energy services or other services in any states.
- (k) Debarment Statement
- (l) Minimum Prior Experience - Respondents or its affiliates, subsidiaries or partners must have successfully completed at least 2 ground-mounted solar PV installations within the past 3 years at landfills sized at a minimum of 250 kW.

Criteria	Supplied
<b>Minimum Requirements</b>	<b>Y/N</b>
a. Proposal Completeness and Adherence to Format	Y/N
b. Evidence of Bond Capability	Y/N
c. Form of Legal Entity	Y/N
d. Other Entity Names	Y/N
e. Changes in Ownership	Y/N
f. Parent Company (if applicable)	Y/N
g. Federal Tax ID	Y/N
h. DCAMM Certificate of Eligibility & Update Statement	Y/N
i. Financial Statements	Y/N
j. Lawsuits and Disputes	Y/N
k. Debarment Statement	Y/N
l. Minimum Prior Experience	Y/N

## 9.2 General Requirements and Evaluation Criteria - Non-Price Proposal

Proposals that meet the above Minimum Requirements will be evaluated against the non-price criteria categories listed below and graded on a scale of unacceptable to highly advantageous. Respondents are encouraged to reference Sections 7 and 8 of this RFP for specific proposal requirements that form the basis of Town evaluation.

The information provided in the non-price and price proposals combined with the information provided from references will form the basis of the Town's evaluation. Please note that Non-Price criteria will be weighted with Pricing offers to determine the overall score. The responses will be ranked using the following criteria:

- |                         |                                              |
|-------------------------|----------------------------------------------|
| i. Unacceptable:        | Criteria was not addressed                   |
| ii. Not Advantageous:   | Criteria was addressed minimally             |
| iii. Acceptable         | Criteria was addressed adequately            |
| iv. Advantageous:       | Criteria was addressed well                  |
| v. Highly Advantageous: | Criteria was addressed in a Superior fashion |

- (a) *Approach and Schedule* - The proposals will be evaluated on the respondent's explanation of how they plan to approach the various tasks, including scheduling, methods and sources. Proposals should, among other things, describe the quality of the products proposed, a methodology for determining guaranteed energy savings (meaning electricity production), and a proposed timeframe for performance of the contract.
- (b) *Respondent Qualifications and Experience*
- i. *Experience* - Specialized experience is required in a series of work areas. Proposals will be evaluated on how well the Respondent demonstrates full knowledge, understanding, and experience in the methods, techniques and guidelines required for the performance of the required work. All elements within this factor are of equal importance.
  - ii. *Capacity to Perform Work* - The proposal will be evaluated on how well the Respondent demonstrates by reference projects, the Respondent's capacity and capability to perform the work as presented in the indicative project schedule provided in this RFP, and be responsive to the Town's concerns should be clear.

iii. *Personnel Qualifications and Availability* - Proposals will be evaluated on the level of expertise provided in response to section 7.2. The Respondent should provide full information on the capability, academic background, training, certifications and experience of the proposed personnel, including all sub-consultants, subsidiaries, affiliates, alliances and partnerships. The availability of the proposed staff is also of crucial importance and must be demonstrated. Specific project responsibility of staff to be assigned to the Projects must be included, as well as professional background and caliber of previous experience of key persons and of each consultant to be assigned to the Project. An office location for each staff member must be provided.

If sub-consultants, subsidiaries, affiliates, alliances and partnerships will be employed, similar information must be provided and the portions to be sub-consulted must be identified. There is no penalty for use of sub-consultants, subsidiaries, affiliates, alliances and partnerships. The qualifications of the entire team will be evaluated.

iv. *Energy and Environmental Policy and Regulation Experience*. The Respondent will be evaluated on how well they can demonstrate comprehensive knowledge and experience of relevant energy and environmental laws and regulations (including the Massachusetts Green Communities Act, Solar Carve-Out Program, Interconnection of Distributed Generation Assets to LDC distribution networks, Net Metering, among others), and experience with implementation of programs related to such laws and regulations, will facilitate the appropriate and efficient planning, structuring, financing and implementation of the Project.

(c) *Performance Record of Respondent and its affiliates, subsidiaries or partners* - Proposal must at a minimum provide information on solar projects and experience requested in Section 7.3, and related reference information requested in 7.4. Respondents will be evaluated on their record of experience provided.

(d) *Project Understanding*

- i. *Roll and Function* - The proposal will be evaluated on how well the Respondent demonstrates a comprehensive understanding of the role and function of this contract in meeting the needs of the Town as described in section 4. In addition to the understanding of the scope and approach, the Respondent must demonstrate the following:
  - Knowledge of current issues and state-of-the-art technologies.
  - Demonstrated experience on similar projects.
  - Ability to provide the necessary skills and expertise in a timely fashion.
  - Demonstrated understanding of structural requirements and environmental conditions and issues, including but not limited to capped landfills
- ii. *Relevant Specific Knowledge/Experience* - Landfill closure, permitting and redevelopment experience. Given that the Primary location is within a municipal landfill site, the Respondent or its affiliates, subsidiaries or partners must clearly demonstrate experience in permitting and redevelopment with respect to environmentally complex sites, including landfills.
- iii. *Local Knowledge/Experience* - The Respondent or its affiliates, subsidiaries or partners must demonstrate knowledge of local regulations, siting, permitting, connectivity, and other issues as evidenced by prior work experience in Massachusetts and/or the New England region.

(e) *Overall System Plan and Optimization of Site*

The Proposal shall show how the system will be located on the premises, describe how site constraints will be addressed, and describe how to maximize power production while minimizing costs to optimize system performance as requested in section 8.

- (f) *Education and Outreach* - The Town is interested in using the Project as an educational tool for schoolchildren and the community as indicated in section 7.3 h. The proposal will be evaluated on the scope of its plan to address educational needs.

- (g) *Financing Plan:* The Town will evaluate the Respondent’s financing plan and financial ability to execute the project in order to determine the capability of the Respondent to obtain the financing to complete the Project in a timely manner.

### 9.3 General Requirements and Evaluation Criteria - Price Proposal

The Respondent’s Price Proposal must include all of the information required in the price proposal form as articulated in section 3.6 and related sections of the RFP.

a) **Overall Economic Benefit:**

Each Price Proposal will be evaluated to determine the best overall economic benefit to the Town based on the following criteria:

- |                         |                                              |
|-------------------------|----------------------------------------------|
| i. Unacceptable:        | Criteria was not addressed                   |
| ii. Not Advantageous:   | Criteria was addressed minimally             |
| iii. Acceptable         | Criteria was addressed adequately            |
| iv. Advantageous:       | Criteria was addressed well                  |
| v. Highly Advantageous: | Criteria was addressed in a Superior fashion |

## 10. ATTACHMENTS

### **Attachment A – Proposal Forms**

Attachment A-1 – Respondent Information Form

Attachment A-2 – Certificate of Non-Collusion

Attachment A-3 – Attestation Regarding Filing of Tax Returns

Attachment A-4 – Disclosure of Beneficial Interests in Real Property Disclosure

Attachment A-5 – Certification Regarding Debarment

Attachment A-6 – Certificate of Authority

### **Attachment B – Description of Premises**

#### **Primary Location**

- Town Needham, MA – Primary Location, Capped Landfill at the Recycling and Transfer Station (RTS) – 1407 Central Ave, Needham, MA

#### **Potential Additional Locations at the RTS:**

- Salt Shed Building – rooftop
- Reuse-it Shed – rooftop
- Transfer Station – rooftop
- Site Plan of Existing operation

**Attachment C – Municipal Energy Usage Data**

Attachment C-1 – Town of Needham, MA – Municipal Buildings

Attachment C-2 – Town of Needham, MA – Street lights, RTS and Water Treatment Plant

**Attachment D – Pricing Bid Forms**

Please use Microsoft Excel workbooks provided separately

**Attachment E – Draft Energy Management Services Contract**

To be included by Addendum and provided at the Mandatory Pre-Proposal Meeting

**Attachment F – Draft Solar Photovoltaic Zoning District Overlay**

To be included by Addendum and provided at the Mandatory Pre-Proposal Meeting

**ATTACHMENT A-1  
RESPONDENT INFORMATION FORM**

The undersigned has read the Request for Proposals (“RFP”) and has carefully examined all specifications/evaluation criteria therein. The undersigned certifies that he/she has visited the applicable Premises and that there are no known obstacles to prevent the prompt negotiation and execution of an agreement with the Town. The undersigned acknowledges that the Town Needham, MA 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: \_\_\_\_\_

Addenda Acknowledgement:  ( ) , ( ) , ( ) , ( ) , ( )

**ATTACHMENT A-2  
CERTIFICATE OF NON-COLLUSION**

The undersigned certifies, under penalties of perjury, that this statement of qualifications 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.

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(Signature) (Date)

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(Name of person signing qualifications)

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(Name of business)

**ATTACHMENT A-3  
ATTESTATION REGARDING FILING OF TAX RETURNS**

Pursuant to M.G.L. c. 62C, § 49A, I certify under the penalties of perjury that the undersigned Respondent, to the best of his/her knowledge and belief, has filed all state tax returns and paid all state taxes required under law.

\_\_\_\_\_  
Social Security Number or  
Federal Identification Number

\_\_\_\_\_  
Signature of Individual or Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Corporation

**ATTACHMENT A-4  
DISCLOSURE OF BENEFICIAL INTERESTS IN REAL PROPERTY TRANSACTION**

This form contains a disclosure of the names and addresses of all persons with a direct or indirect beneficial interest in the real estate transaction described below. This form must be filed with the Massachusetts Division of Capital Asset Management, as required by M.G.L. c. 7, §40J, prior to the conveyance of or execution of a sale or lease of the real property described below. Attach additional sheets, if necessary.

1. Public Agency Involved in This Transaction: Town of Needham, Massachusetts

2. Description of the Property:

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3. Type of Transaction: Lease of property

4. Lessor: Needham Board of Selectmen

Bidder: \_\_\_\_\_

5. Names and addresses of all persons who have or will have a direct or indirect beneficial interest in the real property described above. *Note: If a corporation has, or will have, a direct or indirect beneficial interest in the real property, the names of all stockholders must also be listed, except that, if the stock of the corporation is listed for sale to the general public, the name of any person holding less than ten percent of the outstanding voting shares need not be disclosed.*

NAME

ADDRESS

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**ATTACHMENT A-5  
CERTIFICATION REGARDING DEBARRMENT**

The undersigned certifies under penalty of perjury that the said undersigned is not presently debarred from doing public construction work in the Commonwealth under the provisions of Section twenty-nine F of Chapter twenty-nine, or any other applicable debarment provisions of any other chapter of the General Laws or any rule or regulation promulgated thereunder.

---

Signature

---

Name of person signing qualifications

---

Name of business

**ATTACHMENT A-6**  
**CERTIFICATE OF AUTHORITY**

1. I hereby certify that I am the Clerk/Secretary of \_\_\_\_\_  
(Insert full name of Corporation)
2. corporation, and that \_\_\_\_\_  
(Insert the name of officer who signed the **contract and bonds**)
3. is the duly elected \_\_\_\_\_  
(Insert the title of the officer in line 2)
4. of said corporation, and that on \_\_\_\_\_  
(The date must be **ON OR BEFORE** the date the officer signed the **contract and bonds.**)

at a duly authorized meeting of the Board of Directors of said corporation, at which all the directors were present or waived notice, it was voted that

5. \_\_\_\_\_ the \_\_\_\_\_  
(Insert **name** from line 2) (Insert **title** from line 3)

of this corporation be and hereby is authorized to execute contracts and bonds in the name and on behalf of said corporation, and affix its Corporate Seal thereto, and such execution of any contract of obligation in this corporation's name and on its behalf, with or without the Corporate Seal, shall be valid and binding upon this corporation; and that the above vote has not been amended or rescinded and remains in full force and effect as of the date set forth below.

6. ATTEST: \_\_\_\_\_ AFFIX CORPORATE  
(Signature of **Clerk or Secretary**)\* SEAL HERE

7. Name: \_\_\_\_\_  
(Please print or type name in line 6)\*

8. Date: \_\_\_\_\_  
(Insert a date that is **ON OR AFTER** the date the officer signed the **contract and bonds.**)

\* The name and signature inserted in lines 6 & 7 must be that of the Clerk or Secretary of the corporation.

**This form is required with RFP Proposal submission if the Proposal is signed by a person other than the owner or president of the company.**

**ATTACHMENT B-1  
DESCRIPTION OF PREMISES**

**TOWN OF NEEDHAM, MA**

The sites identified by the Town of Needham, MA for the installation of solar PV systems include:

**PRIMARY LOCATIONS**

1. Closed Landfill, 1407 Central Ave, Ground-mounted Potential -- Closed in 1997, the Recycle Transfer Station site contains approximately 71 acres. There are about 10 to 11 acres of relatively flat surface at the top of the capped Landfill. The plateau at the top of the capped landfill slopes gradually to the south and southwest. It sits above the surrounding tree line on the north side of the RTS site.

**ADDITIONAL POTENTIAL LOCATIONS**

1. Recycle Transfer Station (RTS) Parcel 1407 Central Ave, Needham-
  - a. Salt Storage Building – This gambled roof building is in construction and scheduled for completion in November 2013. The 14,000 sq ft structure has a south facing metal roof surface of approximately 7,000 sq ft.
  - b. Transfer Station – High Bay steel frame transfer station has a footprint of approximately 6,750 sq ft. This twenty-year-old building is being considered for future modifications and may require re-roofing as a part of that project.
  - c. Reuse-it Storage building – This 2,200 sq ft concrete block building has a pre-fabricated wood roof structure and asphalt roof and is adjacent to the entry drive of the RTS. The building is approximately 20 years old and also houses the paint recycling program for the RTS.
2. Others as identified by Respondent.

**SUPPLEMENTAL INFORMATION – Databank Resource Material**

Respondents are advised that the following supplemental information will be housed on Beacon Integrated Solutions FTP site. Access instructions for the FTP site will be made available to firms attending the Mandatory Pre-Proposal Conference on September 16, 2013 at 2:00 PM.

- |                                                     |          |
|-----------------------------------------------------|----------|
| 1. RTS Plan with preliminary Wetland Setbacks       | 1 page   |
| 2. Norfolk County Plan of Land                      | 1 page   |
| 3. Post Closure Landfill Plan 1998                  | 17 pages |
| 4. Preliminary Solar PV Opportunities Assessment    | 2 pages  |
| 5. Zoning Map                                       | 1 page   |
| 6. Draft Solar Photovoltaic Zoning Overlay District | 6 pages  |
| 7. Conservation Memorandum                          | 1 page   |
| 8. Landfill Grassland Habitat                       | 30 pages |
| 9. Salt Storage Building - selected Plans           | 7 pages  |
| 10. Transfer Station – selected plans               | 5 pages  |
| 11. Storage Building – selected plans               |          |

**ATTACHMENT C**

**ATTACHMENT C-1  
MUNICIPAL BUILDINGS  
ENERGY USAGE DATA**

TOWN BUILDINGS	FY 10 Used	FY 11 Used	FY 12 Used	FY 13 Budget	3 year average
	kWh	kWh	kWh	Dollars	kWh
Town Hall	126,780	948	308,174	\$72,841	462,261
Ridge Hill	25,273	13,041	9,733	\$4,436	16,016
Daley Building	16,856	15,766	16,262	\$3,485	16,295
Police	228,058	252,170	221,033	\$49,975	233,754
Fire	165,706	177,634	175,316	\$36,244	172,885
Broadmeadow	847,320	831,080	805,160	\$176,917	827,853
Eliot	466,200	535,200	440,400	\$106,456	480,600
Hillside	376,672	368,912	353,952	\$77,040	366,512
Mitchell	211,569	198,549	190,883	\$45,640	200,334
Newman	873,240	787,830	1,173,660	\$174,600	944,910
Pollard	824,892	862,072	902,252	\$179,949	863,072
High School	2,267,136	2,396,476	2,457,756	\$492,770	2,373,789
High Rock	484,748	502,177	472,297	\$108,254	501,097
Emery Grover	123,680	132,000	127,840	\$26,382	127,840
DPW	178,840	179,320	129,960	\$36,585	162,707
PSAB	127,200	285,760	280,400	\$56,717	231,120
Library	602,859	619,248	613,320	\$126,887	611,809
Parks Buildings	2,472	2,472	2,472	\$346	2,472
Senior Center	Anticipated completion date fall 2013				
<b>TOTALS</b>	<b>7,949,501</b>	<b>8,160,655</b>	<b>8,680,870</b>	<b>\$1,775,524</b>	<b>8,595,325</b>

**ATTACHMENT C-2  
STREETLIGHTS, RTS AND WATER TREATMENT PLANT  
ENERGY USAGE DATA**

	<b>FY 12 Used</b>	<b>FY 13 Used</b>
<b>DPW FACILITIES</b>	<b>kWh</b>	<b>kWh</b>
Sewer Pump Station #2 (257 West St)	122,640	121,120
Street Lights & Parking Lots	896,506	901,176
Memorial Park	21,960	19,600
RTS (comprised of multiple meters)	104,216	116,623
Water Pump Station	1,420,915	1,939,760
Sewer Pump Station #1	292,964	310,494
Parks Buildings	22,675	20,443
Parks Buildings #2	2,498	1,976
Traffic Lights	151,790	137,079

<b>Total yearly usage - DPW Facilities</b>	<b>3,036,164</b>	<b>3,568,271</b>
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<b>Yearly Requirements from Town Buildings (From Attachment C-1)</b>	<b>8,680,870</b>	<b>8,595,325</b>
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<b>TOTAL REQUIREMENTS - TOWN OF NEEDHAM</b>	<b>11,717,034</b>	<b>12,163,596</b>
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## ATTACHMENT D

### PRICING BID FORMS

Respondent shall provide pricing for the Primary Location. Optional proposals are encouraged for the Additional Locations identified by the Respondents. Please refer to Microsoft Excel Workbook.

Pricing must be provided as follows:

1. There are two pricing worksheets for the RTS capped landfill. Respondent's must complete the two spreadsheets for the following:
  - a. 2MW facility
  - b. Optimized size as determined by Respondent

Both spreadsheets include a Schedule for Termination Values which must also be completed.

The Town has included an illustrative value for each an annual lease and PILOT payment. The escalation rate for the illustrative annual lease and PILOT payments is set at zero. Respondents are required to indicate the volumetric impact of the annual lease and PILOT payment in the indicated cells. The escalation rate for the volumetric charge is also zero.

2. There is a pricing worksheet for an Additional Location.
  - a. Respondents are encouraged, but not required, to provide pricing for any Additional Locations.
  - b. For the purpose of this RFP, the pricing for the Additional Locations does not include a lease or PILOT payment. To the extent such lease and/or PILOT payments are required; the Town understands that there will be an impact on the price. Respondents are required to provide a formula for the Town's consideration of the impact of such payments. For example, for every \$1,000 of lease and/or PILOT payment, the \$/kWh volumetric charge would increase by \$X.XXX.
  - c. Each spreadsheet includes a Schedule for Termination Values which must be completed.

**ATTACHMENT E**

**ENERGY MANAGEMENT SERVICES CONTRACT (EMSA”)**

**DRAFT**

To be included by Addendum and provided at the Mandatory Pre-Proposal Meeting

**ATTACHMENT F**

**DRAFT SOLAR PHOTOVOLTAIC ZONING DISTRICT OVERLAY**

To be included by Addendum and provided at the Mandatory Pre-Proposal Meeting