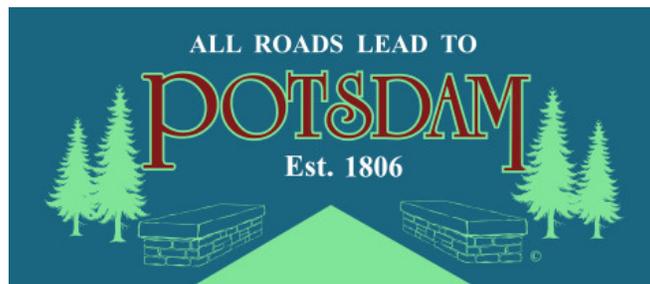


Town of Potsdam, New York

Request for Proposals

Installation of
A SOLAR PHOTOVOLTAIC
ENERGY SYSTEM AT THE SITE OF
THE CLOSED TOWN OF POTSDAM
LANDFILL



Town of Potsdam
18 Elm Street
Potsdam, NY 13676

Dated: October 8, 2019
Return by: 3:00 p.m. Friday, December 6, 2019

Town of Potsdam
Request for Proposals

Installation of
A SOLAR PHOTOVOLTAIC
ENERGY SYSTEM AT THE SITE OF
THE CLOSED TOWN OF POTSDAM
LANDFILL

October 8, 2019

The Town of Potsdam (“Town”) hereby Requests proposals by responders interested in leasing all or a portion of the site of the closed former Town municipal waste landfill that is located within the Town for the purpose of the installation and operation of a Solar Energy Generating System on, at and about the landfill site.

1. **SEALED PROPOSALS** – Notice is hereby given that the Town Clerk will receive proposals for the project outlined in this RFP until **3:00 P.M., on Friday, December 6, 2019.**
2. **DESCRIPTION OF PROJECT** - The successful Respondent shall:
 - A. Lease all or a portion of the land that comprises the site of the closed and capped former Town of Potsdam municipal waste landfill located on Reynolds Road in the Town of Potsdam, NY (the “Site”). The Site comprises 163.5± acres, of which 86± acres constitute wetlands, and constitutes the entirety of tax map parcel 53.002-2-2.1, pursuant to a Lease or License Agreement with the Town, for the purpose of installing, owning, operating, and/or maintaining thereon a solar energy generating system or systems (the “Solar Energy System(s)” or “System(s)”).
 - B. See attached schedule for detailed project specifications.
3. Proposals submitted in accordance with this RFP shall be reviewed by the Town Clerk and if deemed to be in appropriate form, forwarded to the Town Board of the Town of Potsdam for review and approval.

4. DEADLINE AND ADDRESS TO SUBMIT A PROPOSAL - Proposals shall be received no later than **3:00 PM on Friday, December 6, 2019** at the office of:

Cindy Goliber
Town Clerk
Town of Potsdam
18 Elm Street
Potsdam, NY 13676

5. PROPOSAL SIGNATURE REQUIREMENTS – Proposals must be signed by an Officer of the Respondent authorized to bind the Respondent to the provisions of the submitted proposal for a period of at least 180 days. Failure of the successful Respondent to accept the obligation of the contract may result in the cancellation of any award.
6. PACKAGING OF PROPOSAL – The Proposal package shall be enclosed in a sealed envelope plainly marked in the upper left-hand corner with the name and address of the Respondent and bear the words **“Request for Proposal (RFP) Town of Potsdam Solar Energy System.”** Any Proposal received after the due date and time **cannot be accepted and will not be considered.**
7. NUMBER OF PROPOSAL COPIES REQUIRED – The Respondent must submit an original and four (4) copies of the Proposal. Upon request by the Town, the Respondent must supply the Town with an electronic copy of the Respondent’s proposal.
8. AMENDMENT OF REQUEST FOR PROPOSAL (RFP) – In the event it becomes necessary for the Town to revise any part of the RFP, addenda will be provided to all interested Respondents. Deadlines for submission of the RFP may be adjusted to allow for revisions. For a revised proposal to be considered, an original and four (4) copies must be submitted on or before, as appropriate, the original or any adjusted due date, and the Respondent must be able, upon request, to provide the Town with an electronic submission of its proposal.
9. QUESTIONS DURING THE PROPOSAL PREPARATION PROCESS – As of the issuance date of this Request for Proposals (RFP) and continuing until 48 hours prior to the deadline for submitting proposals, the Town will provide written responses to any questions received regarding the RFP. To receive a timely response, all questions must be submitted in writing no later than 72 hours before the deadline for submitting proposals to the Town. Respondents are encouraged to submit any comments or questions in writing to: Cindy Goliber, Town Clerk, Town of Potsdam, 18 Elm Street, Potsdam, NY or by e-mail to townclerk@potsdamny.us.
10. RIGHT OF REJECTION BY THE TOWN - Notwithstanding any other provision of this Request for Proposals (RFP), the Town reserves the right to reject any and all proposals and to waive any informality in a proposal when to do so would be to the advantage of the Town or its taxpayers. Proposals that

contain conditions or limitations to the requirements set forth in the RFP may be considered non-responsive and rejected.

11. AWARD OF CONTRACT - The Respondent to whom the contract is awarded shall be required to enter into a written lease or license agreement with the Town of Potsdam in a form approved by the Town Board and the Town Attorney. This Request for Proposals (RFP) and the Proposal, or any part thereof, may be incorporated into and made a part of the final contract. However, the Town reserves the right to further negotiate the terms and conditions of the contract with the selected Respondent.

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SCHEDULE OF DETAILED PROJECT SPECIFICATIONS

1.0 Executive Summary

The Town of Potsdam, New York (the “Town”) seeks proposals from solar energy developers (“Respondents”) to occupy by lease or license all or a portion of the land that comprises the site of the closed and capped former Town of Potsdam municipal waste landfill located on Reynolds Road in the Town of Potsdam, NY. The Site comprises 163.5± acres, of which 86± acres constitute wetlands, and constitutes the entirety of tax map parcel 53.002-2-2.1 (the “Site”), for the purpose of installing, owning, operating, and/or maintaining thereon a solar energy generating system or systems (the “Solar Energy System(s)” or “System(s)”).

It is the desire of the Town to promote the installation of a System(s) for the benefit of the Town and the environment. This Request for Proposals is being issued to allow the Town to evaluate options and determine the project and financial arrangements that best meet the Town’s interest and goals. The goal of this RFP is to lease the Site for the purposes of siting a Solar Energy System in order to provide a revenue stream to the Municipality in the form of monthly payments. The Town notes that it is not seeking proposals whereby it would be a mandatory off-taker of energy from the System(s), but Responders may include such an option or such an alternative option as part of their proposal. The Town also will consider proposals that include a community solar option or component and/or the ability of local consumers to purchase power from the project.

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

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

2.0 Town of Potsdam

2.1 Background

The Town of Potsdam is located in the Adirondack foothills, in the center of St. Lawrence County, New York. It is home to two villages, the Village of Potsdam

and the Village of Norwood. The Town Hall is located at 18 Elm Street, Potsdam, NY.

A square ten miles on each side, the Town of Potsdam was established on February 21, 1806, upon an Act of the Legislature. David Clarkson and Associates purchased this land in 1802. In 1803, land agent, Benjamin Raymond, was one of the first settlers to the region. He built a hut on the banks of the Raquette River and his charge was to sell land, build dams, businesses, and lay out roads and streets.

Since its formation, Potsdam has been considered a cultural and educational center. It is rich in education and technology, hosting the State University of Potsdam and Clarkson University, two exceptional learning institutions. Potsdam is also proud to have one of the state's finest public school systems and a progressive medical facility, Canton Potsdam Hospital.

2.2 The Town Landfill

Available records indicate the approximately 14 acre disposal location operated solely as a municipal waste disposal site. This use is corroborated by historic site groundwater sampling, which detected the presence of "conventional" municipal waste leachate contaminants, but not industrial waste contaminants. There is no current groundwater monitoring, although it is reported the New York State Department of Environmental Conservation (NYSDEC) intended that the two (2) previously installed monitoring wells be maintained in a useable condition.

The landfill stopped receiving waste in 1986. It was closed pursuant to the requirements of a NYSDEC approved closure plan during calendar years 1986 and 1987. The constructed cover consists of 18" of clay compacted with a 10-ton sheepsfoot roller compactor and it was graded to provide positive water drainage laterally off the landfill in order to minimize infiltration potential. Top soil was spread over the clay cap to support a stand of grass vegetation intended to prevent erosion of the cap.

Dependent on the location and construction of the Solar Energy System, the existing closure plan may need to be modified and approved by NYSDEC prior to the installation at the Site of a Solar Energy System(s).

The following documents are attached as exhibits to this RFP:

- Exhibit A December 1987 Soils Quality Assurance Testing
- Exhibit B October 1987 Monitoring Well Test Results
- Exhibit C October 1992 NYSDEC letter to Town of Potsdam
- Exhibit D March 1987 Top Soil Final Cover Material Bid Specifications
- Exhibit E Two (2) Landfill Closure-related Site Drawings

2.3 Compliance with Local Law No. 2 of the year 2019, Regulation of

Solar Photovoltaic (PV) Systems

A copy of the Local Law, which took effect on September 10, 2019, is attached.
See the following:

- Exhibit F Local Law No. 2 of the Year 2019

3.0 New York Town Law § 64

New York Town Law § 64 requires that the Town of Potsdam Town Board conduct a public hearing prior to adopting a resolution approving a lease with the Respondent. New York Town Law § 64 further provides that any resolution approving a lease with the Respondent is subject to a request for a permissive public referendum.

Thus, pursuant to New York Town Law § 90, any such lease agreement shall not be effective until thirty (30) days after the authorizing resolution is adopted. Furthermore, New York Town Law § 91 provides that if within thirty (30) days after to adoption of such a resolution “there be filed with the town clerk a petition signed, and acknowledged or proved, or authenticated by electors of the town qualified to vote upon a proposition to raise and expend money, in number equal to at least five per centum of the total vote cast for governor in said town at the last general election held for the election of state officers, but which shall not be less than one hundred in a town of the first class nor less than twenty-five in a town of the second class, protesting against such act or resolution and requesting that it be submitted to the qualified electors of the town or district affected, for their approval or disapproval, then a referendum must be held and the proposed lease approved via a public referendum. If required to do so, the Town is prepared to proceed with the required permissive public referendum.

A potential alternative, if acceptable to the selected Respondent, would be to enter into a license agreement that is not subject to the requirement of a permissive referendum. The issue of a lease or an alternative arrangement acceptable to the Town and the Respondent is subject to negotiation dependent on the requirements of the Respondent.

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4.0 Scope of Services for this Solicitation

4.1 Objective

The objective of this Request for Proposals (RFP) is to identify and select the most qualified system solar energy system developer (“Respondents”) to occupy by lease or license all or a portion of the land that comprises the site of the closed and capped former Town of Potsdam municipal waste landfill located on Reynolds Road in the Town of Potsdam, NY (the “Site”). The Site comprises 163.5± acres, of which 86± acres constitute wetlands, and constitutes the entirety of tax map parcel 53.002-2-2.1, for the purpose of installing, owning, operating, and maintaining on the Site a Solar Energy System(s).

4.2 General

The scope of services provided by the Contractor/Vendor shall include all tasks required to design fabricate, deliver, install, operate, and maintain a Solar Energy System on the Site. The scope shall also include, but not be limited to, securing all permits and approvals from governing agencies, all labor, services, permit fees, and equipment necessary to produce a fully operational Solar Energy System on the Site, including any necessary changes or modifications to the approved NYSDEC Site management plan. The proposal shall contain a detailed explanation of the complete project and delineation of all work tasks to be performed by the awarded Contractor/Vendor.

4.3 Location

The proposal is for the Solar Energy System to be located on the Town landfill Site. Respondent shall identify the location(s) on the Site where the System(s) would be installed.

The following documents are attached as exhibits to this RFP:

- Exhibit G Tax Map
- Exhibit H Wetlands Map

4.4 Design, Engineering & Permitting

Contractor/Vendor shall design and engineer the Solar Energy System to taking into consideration the proposed installation site, available solar resources, existing site conditions, proposed future site improvements (currently none), and other relevant factors. Contractor/Vendor shall provide design documents that provide the following minimum information:

- Timeline/Project Schedule;
- System description;

- Layout of installation;
- Layout of equipment;
- All engineering associated with structural and mounting details;
- Electrical grid interconnection requirements;
- Controls, monitors, and instrumentation;
- System performance monitoring;
- Annual Estimated Production from the array (kWh);
- System Loss Modeling (PVSYST or Equivalent).

Contractor/Vendor shall identify an appropriate location for the solar PV inverter equipment on the landfill site and its related components and environmental control systems that will meet the following criteria:

- Ease of maintenance and monitoring;
- Efficient operation;
- Secured location and hardware;
- Compatibility with existing facilities;
- Avoidance of flood-prone areas;
- Visual harmony;
- Compliance with all the Landfill closure plan or any revised and updated Closure Plan and the Landfill Monitoring and Maintenance Plan or any revised and updated Landfill Monitoring and Maintenance Plan;
- NYSDEC requirements regarding the protection and maintenance of the final Landfill cover; and
- Town of Potsdam zoning requirements.

The selected Contractor/Vendor will secure from governing agencies and the utility company all required rights, permits, approvals, and interconnection agreements at no cost to Town of Potsdam. The Town of Potsdam will become the signatory on applications, permits, and utility agreements only where necessary.

4.5 Installation

Respondent shall supply all equipment, materials, and labor necessary to install the Solar Energy System(s).

4.6 Electrical Interconnections

Respondent shall supply and install all equipment required to interconnect the Solar Energy System(s) to the National Grid electric energy distribution system. The awarded Respondent will fulfill all application, studies, and testing procedures to complete the interconnection process. All costs associated with utility interconnection shall be borne by the awarded Respondent.

4.7 Operation and Maintenance Manuals and As-Built Drawings

The selected Respondent shall provide two (2) sets of operation, maintenance, and parts manuals for the Solar Energy System to the Town. The manual shall cover all components, options, and accessories supplied. It shall include maintenance, trouble-shooting, and safety precautions specific to the supplied equipment. It shall also delineate responsibilities of both parties after any potential transfer or sale of the System to the Town.

The selected Respondent shall provide three (3) sets of as-built drawings to the Town, including one (1) on CAD.

The selected Respondent shall provide up to five (5) sets of operating system manuals, as-built drawings and safety and fire related information to all primary potential first responders to the Site.

4.8 Solar System(s) Removal

The selected Respondent shall bear the sole responsibility of removing the PV system at the end of the negotiated lease or license.

5.0 Project Requirements

5.1 Licensing/Certification

Respondent must be properly licensed in the State of New York. The Contractor license and expiration date shall appear clearly on Respondent's proposal. Contractor/Vendor shall provide proof that NABCEP certified or other State-approved installers shall perform the installation.

5.2 Operation & Maintenance Requirements

All Respondents must offer a comprehensive onsite operation and maintenance service program for the PV system operations, safety and maintenance activities.

6.0 Form of the Proposal Narrative

6.1 Narrative

The response shall include an explanation of how the Respondent will approach the various tasks, including scheduling methods, project schedule, construction, financing, measurement and verification, operations and maintenance, and decommissioning plans. Respondents should provide in their responses a clear discussion of how they intend to finance the system and what financing partners will be involved in the project.

This section shall discuss the highlights, key features, and distinguishing points of the proposal as follows:

6.1.1 Company Overview

Provide a document with the following company information:

- Year founded and number of continuous years in business;
- Ownership status (public or private company, LLC, LLP, S-Corp, Sole Proprietor);
- Federal Tax Identification Number;
- Corporate & Local Office location;
- Number of employees in corporate & local office at time of submittal;
- Respondent's Experience Modification Rate; (EMR) for each of the past three years;
- Respondent's OSHA ratings (Recordable Incidence Rates and Lost Workday Incident Rates) for the past three years; and
- 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.

6.1.2 Project Team

Provide information about the key personnel to be assigned to this project.

Project Team organizational chart including all key personnel and their proposed roles.

Provide resumes, in an appendix, for all key personnel that will be assigned to this project.

Provide evidence of all relevant licenses held by your firm to do work in New York State, attach list and copies of documents as an appendix.

6.1.3 References

Provide references for at least three completed and currently operating non-residential grid-connected PV systems, with preference towards New York municipality landfill projects. Include the following information:

- Location and Utility Company name;
- System size (kW DC);
- Host Customer and/or Owner contact information (name, email, address, telephone).

6.1.4 Project Development Experience

Provide the total number of megawatts of solar PV Respondent has constructed over the last five (5) years.

Provide the total number of megawatts of solar PV Respondent has constructed over the last five (5) years in New York.

Provide the total number of megawatts and projects of solar PV Respondent has constructed on landfills and brownfields.

Provide the number of operational PV systems under Respondent's management.

6.1.5 Project Financing Capability

Provide the number of PV systems that have been financed by Respondent and/or any financing partner.

Provide the most recent audited financial statements, annual reports, consolidated financials, and Form 10-K (if any). If available, provide similar materials for parent entities, significant affiliates and collaborators.

6.1.6 Decommissioning Plan

Provide information regarding the proposed approach to system decommissioning and restoration of the property. This decommissioning plan should include a description of Respondent's approach to providing financial assurance that funding will be available to decommission the system at the end of the contract term, including:

- Removal of all equipment, concrete, conduits, structures, fencing, and foundations to a depth of 36 inches below the soil surface.
- Removal of any solid and hazardous waste caused by the Facility in accordance with local, state and federal waste disposal regulations.
- Restoration of the property to its condition as it existed before the Solar Energy System was installed.

7.0 Pricing

Proposers shall list any proposed initial or option payment to the Town, the proposed annual occupancy payment for the Site, broken down by proposed monthly or quarterly payment amounts; and the extent to which it will fund or reimburse the Town for any costs the Town incurs to secure NYSDEC approval of a revised and updated landfill closure plan and a revised and updated operations and maintenance plan for the landfill.

Additional alternative pricing options are not required but will be considered by the Town and may propose, for example, (a) the Town as a mandatory or voluntary off-taker of energy from the System(s); (b) one or more options or opportunities for the Town to purchase or assume ownership of the System(s); and (c) other proposed economic alternatives. In addition, the Town also will consider proposals that include a community solar option or component and/or the ability of local consumers to purchase power from the project.

8.0 Schedule

Proposers shall provide a proposed schedule for completion of the project.

9.0 Incurring Cost

The Town shall not be liable for any cost incurred by the selected Respondent.

10.0 Selection Process

Proposals will be evaluated by the Town based on:

- The competence to perform the services as reflected by past experience in providing the services outlined herein.
- The ability to meet the requirements of this RFP.
- Overall package and financial benefit to the Town.

The Town reserves the right to select or short-list any Respondent that, in its opinion and at its sole discretion, is deemed to be most advantageous and in the best interests of the Town and its residents. The Town also reserves the right to delay or discontinue this selection process at any time during the process. The Town shall not be liable for any cost incurred by any Respondent during the selection process. The Town also reserves the right to reject the selected Respondent and contract with another party if the Town and the selected Respondent cannot 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 satisfactory Agreements with that Respondent at a price the Town determines to be fair, competitive, and reasonable.

**TOWN OF POTSDAM
ST. LAWRENCE COUNTY, NEW YORK**

The following Non-Collusive Bidding Certification as required by General Municipal Law Section 103-d must be signed and submitted with bid.

NON COLLUSIVE BIDDING CERTIFICATION

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

1. The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any bidder or with any competitor;

2. Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

3. No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

Wherefore, this statement has been subscribed by the bidder and affirmed by the bidder as true under penalties of perjury.

Dated: _____ 20____

Signature: _____

Printed Name & Title: _____

Company: _____

General Municipal Law Section 103-d

“The fact that a bidder (a) has published price lists, rates or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of sub-paragraph one (a)”.