

Q&A REGARDING RFP #1530VF

This document contains:

- **Summary of presentation at pre-proposal meeting**
- **Questions proposed at meeting, with corresponding official answers**
- **List of pre-proposal meeting attendees**
- **Questions submitted via e-mail, not covered during meeting, with corresponding official answers**
- **Other information**

PRE-PROPOSAL MEETING SUMMARY

June 10, 2015 10:30 A.M.

I. INTRODUCTION

The County of Erie, New York (the "RFP Issuer") wishes to increase its use of environmentally friendly energy and to optimize the rates paid for electricity through the installation of one or more solar photovoltaic ("PV") systems at location(s) set forth in Section 5 hereof or location(s) owned or leased by the proposer as long as the site is within the same utility territory, NYISO Load Zone and eligible for remote net metering to the RFP Issuer under New York law.(the "Project"). The purpose of this Request for Proposals is to seek a Solar Energy Services Provider ("Solar Provider") to design, install, finance, own, operate, and maintain one or more Projects pursuant to the terms and conditions of a Solar Energy Power Purchase Agreement (the "PPA"). The RFP Issuer will purchase from the selected Solar Provider all of the electricity output generated by the Project in accordance with the terms and conditions of the PPA.

The County of Erie, NY requests: One (1) original, four (4) copies and one (1) electronic copy in PDF format on CD or flash drive of sealed proposals must be received by Erie County Department of Environment and Planning (Attention: Thomas R. Hersey, Jr. Deputy Commissioner, Erie County Department of Environment and Planning, Room 1077, Rath Building, 95 Franklin Street, Buffalo, NY) no later than by **12:00 p.m. on Friday, July 24, 2015** (two week extension granted pursuant to Q8 under "QUESTIONS SUBMITTED VIA E-MAIL, NOT COVERED DURING MEETING").

Proposals must be held firm and cannot be withdrawn for one hundred twenty (120) calendar days after the opening date.

This RFP is not a contract offer, and no contract will exist unless and until a PPA is signed by the RFP Issuer and the successful Solar Provider. Interested parties should submit a proposal in accordance with the requirements and directions contained in this RFP. The RFP Issuer reserves all rights to reject any or all proposals and to negotiate PPA terms and conditions in the best interests of the RFP Issuer.

II. GENERAL INFORMATION

A. Key Dates

| Date | Action |
|----------------|--|
| May 29, 2015 | RFP Release Date |
| June 10, 2015 | Non-mandatory pre-proposal meeting 10:30 AM Erie County Rath Building, 95 Franklin Street , Room 1404, Buffalo, NY 14202 |
| June 18, 2015 | Question Submission Deadline |
| June 24, 2015 | Addendum available on website |
| July 24, 2015 | Proposals Due by 12 PM (originally July 10 th ; two week extension granted) |
| August 2015 | Selection of Winning Proposal |
| September 2015 | Preliminary Contract Award (Pending Legislative Approval) |
| October 2015 | PPA's Executed (Pending Notice to Proceed) |

B. Obtaining the RFP

All documents that are a part of this RFP may also be obtained by contacting Thomas R. Hersey, Jr., Deputy Commissioner, Erie County Department of Environment and Planning at Thomas.Hersey@erie.gov or 716.858.7674. The documents may be obtained in hard copy at Erie County Department of Environment and Planning, Room 1077, Rath Building, 95 Franklin Street, Buffalo, NY 14202.

The documents may be obtained in electronic format at the following link: www.erie.gov

C. Questions regarding the RFP

Questions will be received by e-mail or at the non-mandatory pre-proposal meeting. Official answers will be posted on the County web site as an addendum to the RFP by June 24, 2015.

III. CONSTRUCTION REQUIREMENTS ON COUNTY SITES

- Minority And Women Business Enterprise (MBE/WBE)
- Apprenticeship Utilization Certification
- Equal Employment Opportunity
- Performance Bond
- Prevailing Wage

IV. CONTRACTOR QUESTIONS

1. Q: *Is it the County's responsibility for the clearing and grubbing of the trees on site?*

A: No. The Contractor should include it in the price the cost of site preparation and permitting. Depending on the chosen site, the County may be able to use County staff and

equipment to assist in site preparation, but this would be negotiated afterward with potential winning bidder.

2. Q: *Is prevailing wage a requirement?*

A: Yes

3. Q: *Can the usage billing data be provided for each site?*

A: Yes, will include in the addendum. Interval data will not be included.

4. Q: *Can you define the service territory?*

A: It is defined in attachment J of the RFP

5. Q: *Has the land had any informal work done regarding SEQRA? Has there been any land and/or water disturbance?*

A: SEQRA has not yet been conducted on any site

6. Q: *How do the proposed sites correspond to the data provided in exhibit J?*

A: An addendum to Exhibit J with the associated background data for the proposed sites is now posted at the same location as the RFP.

7. Q: *What are the interconnection costs?*

A: The bidder is responsible for the Interconnection and should include such costs in its proposal.

8. Q: *Can we have a copy of the attendance list for this meeting?*

A: See below, titled "PRE-PROPSAL MEETING ATTENDEES".

9. Q: *The RFP targets the use of credits to reduce Transmission and Distribution costs? Is the County open to receiving bids to use credits against its supply costs as well? Are you using an ESCO?*

A: The County does not currently use an ESCO to purchase energy. At this time the County is not planning on increasing the target.

10. Q: *Is the model PPA the PPA? What is the tenor of the PPA? 10-15 year financial layout? Are you willing to talk about a 25 year agreement?*

A: As the RFP notes, the Model PPA should be used as a guide, but the County is flexible. The preference is for a 20-year contract but the County will review alternative time period proposals. The County is specifically aware that Remote Net Metering Credits are available for a 25-year term, and will consider such proposals.

11. Q: *Has the county established the baseline to the point of when you will walk away from this project?*

A: No

12. Q: *Is there a preference between remote site or county land?*

A: No

13 Q: *Is the proposal to offer a Site license and not a lease?*

A: The County is open to a lease, but as noted in the RFP, a longer term lease will require legislative action

14 Q: *Is there tax on the county land? Pilot in place or standard?*

A: The County has not opted out of RPTL 487. The bidder is responsible for all taxes.

15 Q: *Does the County have a take or pay agreement with the utility agreement?*

A: No

16 Q: *Are you favoring a certain site?*

A: No

17. Q: *Why is prevailing wage required?*

A: Federal, State, and/or Local Law requirements.

18. Q: *Will prevailing wage still be required if on a private land?*

A: The applicant is responsible for determining what labor laws apply.

19. Q: *Is a performance bond required?*

A: Yes. It is required for the construction portion only, to ensure that the project is completed, and therefore should reflect the necessary cost to construct the Project.

20. Q: *Do you know the current electricity rate by site?*

A: Yes, this will be put up on the County's website.

21 Q: *Will the electricity rate be the rate used or will it be blended?*

A: Blended; we will look back on the previous rates.

22. Q: *What are the evaluation criteria? Is there a weighting to the evaluation?*

A: While no specific criteria have been released, the primary factor will be price.

23. Q: *Does the County have an estimated future increase of energy costs?*

A: Bidders may submit bids with escalation as one option. The RFP does not set escalation parameters.

24 Q: *Can a bid be submitted on Brownfield Sites?*

A: The County does not own any Brownfield sites and has no objections to private sites being submitted, as long as remediation requirements do not interfere with the facility.

25 Q: *Is there a termination for convenience clause? If so, that adds as a risk to the PPA owner - \$10,000 bid deposit.*

A: All Bid deposits are refundable if the County does not move forward.

PRE-PROPSAL MEETING ATTENDEES

| Name | Organization | Phone | E-Mail |
|-------------|---------------------|--------------|---------------|
|-------------|---------------------|--------------|---------------|

| | | | |
|-------------------|----------------|--------------|--|
| Tom Hersey | ECDEP | 716-858-7674 | Thomas.Hersey@erie.gov |
| Joseph Fiegl | ECDEP-DSM | 716-858-7537 | Joseph.Fiegl@erie.gov |
| Bridgette Parilch | Solar Liberty | 716-440-6321 | Bridgette.Parilch@solarliberty.com |
| Rob Gauchat | Solar Liberty | 716-634-3780 | Rgauchat@solarliberty.com |
| Philp Stone | HESP Solar | 917-613-7055 | Pstone@hespsolar.com |
| Salar Naini | NRG | 415-627-1617 | Salar.Naini@ngr.com |
| James Armstrong | Namaste Solar | 914-707-1459 | JArmstrong@namastesolar.com |
| Daniel Rizzo | ECDPW | 716-858-2725 | Rizzod@erie.gov |
| Mark Storch | Entecco Energy | 716-861-1300 | mark@strochcodev.com |
| Bonnie Lawrence | ECDEP | 716-858-8560 | Bonnie.Lawrence@erie.gov |
| Bob Holz | Nexamp | 315-720-7084 | Bholz@nexamp.com |
| Daniel Montante | Montante Solar | 716-876-8899 | Dmontante@tmmontante.com |
| Scott Arnold | Montante Solar | 716-876-8899 | Sarnold@tmmontante.com |
| Eric Walker | ECDPW | 716 858-8069 | |

QUESTIONS SUBMITTED VIA E-MAIL, NOT COVERED DURING MEETING

Q1: *For remote net-metering purposes, can we assume that all the Erie County electric accounts (top half of Exhibit J) are in the same name and that the Sewer District accounts (bottom half of Exhibit J) are in the same name? If not, can you provide more details?*

A: All Accounts are in the name of Erie County.

Q2: *I had some questions about the permitting process for solar in Erie County. I'm assuming a conditional use permit is necessary, but what other pieces of information do we need to submit in order to get solar use approved? Also, is there a typical timeframe on permits and authorizations (how long does the process take)?*

A: Each bidder is responsible for local permit approvals. Local zoning is handled by Towns and Villages.

Q3: *Could you please advise if the Sewer District has the same tax ID as the County?*

A: Yes, it does.

Q4: *For each site, can you please advise if it would be acceptable to increase the arrays sites beyond the highlighted areas? Alternatively, advise which areas for each site should not be considered?*

A: While there is some leeway, the highlighted area show what the County believes is the excess land portion of the property.

Q5: *Section 5. 28 is requiring that vendors provide Disclosure Form for Apprenticeship Utilization as part of response to RFP. However, Exhibit E6 appears to be Apprenticeship Requirements plus a form that relates to Apprenticeship Utilization Certification for Final Payment. It would seem that this form could only be signed after construction. Can you please advise?*

A: Endorsement of the Apprenticeship Utilization form included in Exhibit E6 of the RFP is required at the conclusion of construction work completed in accordance with County of Erie Local Law 2-2006. The Apprenticeship Utilization form for construction is not required to be submitted with proposals.

Q6: *In Section 5B: The RFP Issuer expects that the PPA will be in the form attached as Exhibit H to this RFP. In addition, the PPA will include the following clause, as required by New York State Energy Law Article 9: "This contract shall be deemed executory only to the extent of the monies appropriated and available for the purpose of the contract, and no liability on account therefore shall be incurred beyond the amount of such monies. It is understood that neither this contract nor any representation by any public employee or officer creates any legal or moral obligation to request, appropriate or make available monies for the purpose of the contract." Could you please clarify whether the appropriations are subject to approval annually or if the appropriations will be reserved in lump sum once the contract is approved up-front? As you may imagine, for financing purposes, it presents serious challenges for financiers to underwrite the investment if the annual payments are subject to appropriations risk.*

A: The County's ability to enter into long-term contracts is regulated by state law, and the bidder may suggest alternative language, but it must comply with state law provisions.

Q7: *Why is there special consideration given to projects located within Erie County?*

A: The primary consideration is price.

Q8: *Will the County be willing to grant a two week extension? We feel this will give bidders enough time to do proper due diligence and provide a thorough response.*

A: Yes. July 24th at 12:00pm is the new deadline.

Q9: *Will the RFP Issuer provide internet connection and 120V power at the location of the required CPU and 30" display of system production and avoided GHG emissions?*

A: The successful bidder is required to provide all improvements and equipment necessary to comply with the RFP.

Q10. For the 18-Mile Creek PS site, do you have any site grading information?

A: A topographic map for the site is attached in the "Other Information" section at the end of this document.

Q11: *For the Erie County Sewer District No. 2 18-Mile Creek PS Site, is this site a landfill? If so, can as-built drawings of the landfill, .dwg cad files of the landfill, and single line diagrams of the electrical interconnection location on site be provided?*

A: No, this is a wastewater pumping station site.

Q12: Do the T&D charges shown in Exhibit J include the entire rate structure (i.e. demand charges, customer service charges, SBC/RPS, legacy transition charges, etc.)?

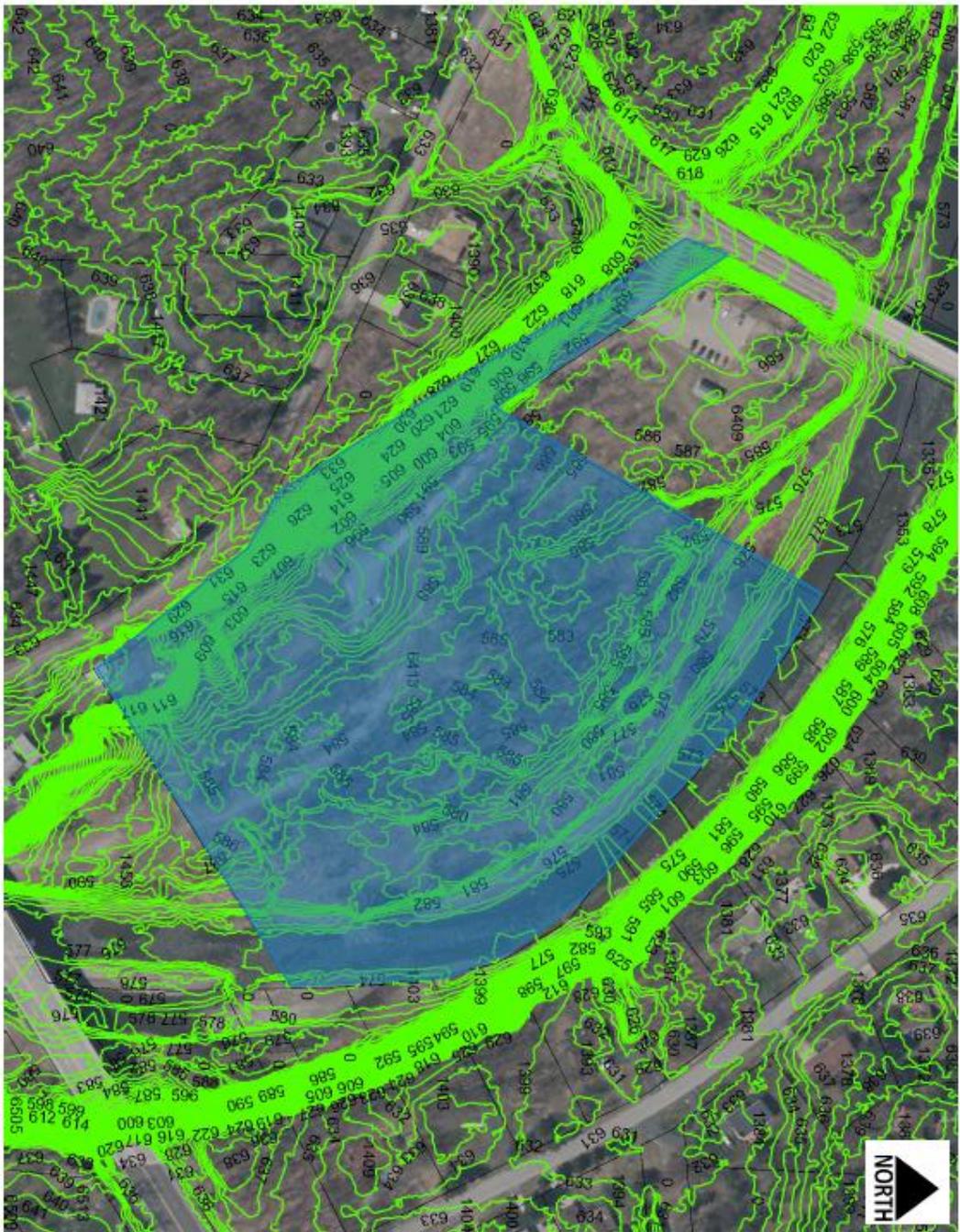
A: No.

OTHER INFORMATION

- Please be advised that Erie County Sewer District No. 1 Cayuga ORF Site (SBL #: 124.00-5-29) is no longer under consideration as a potential site for a PV system.
- Please find below a topographic map of the 18-mile Creek PS Site.

Erie County Sewer District No. 2 18-Mile Creek PS Site

- Legend:**
- LIDAR_Contours_1ft
 - Parcels - 2014
 - Fire Stations
 - Maintenance Garages
 - Malls and Stadiums
 - Medical Facilities
 - Schools
 - Universities and Colleges
 - Parks



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Map is a user-generated static output and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
DIVISION OF SEWERAGE MANAGEMENT

