



TOWN OF WESTFORD  
**TOWN MANAGER**  
TOWN HALL  
55 Main Street  
WESTFORD, MA 01886  
Telephone (978) 692-5501  
Fax (978) 399-2557

**REQUEST FOR PROPOSALS**  
**SOLAR PV NET METERING CREDITS**

**September 18, 2012**

**DEADLINE FOR PROPOSALS 10/9/2012 at 11:00AM**

**1.) INTRODUCTION & BACKGROUND**

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The Town of Westford (hereinafter the "*Town*") acting by and through the Board of Selectmen is seeking proposals from qualified and experienced renewable energy developers (hereinafter the "*Proponent(s)*") who will sell to the Town solar net metering credits from Proponent-owned or leased sites within the National Grid utility territory and the WCMA ISO-New England Load Zone. Proposals are sought from entities in the business of financing, installing, owning, operating and maintaining renewable power generation facilities.

The Town intends to select and enter into a Net Metering Credit Sales Agreement with the most highly qualified Proponent providing the most advantageous proposal as determined from the evaluation criteria herein. **The facility proposed to generate the net metering credits must qualify as a net metering facility for a municipality under 220 CMR 18.**

In FY11 the Town used approximately 9.7 million kWh of electricity. The Town anticipates entering into an agreement for a percentage of that overall electricity use. The Proponents shall be fully responsible to design, purchase, install, own, operate, maintain service and repair the solar PV system over the entire length of the agreement. This Request for Proposals (RFP) is for off-site net-metering projects and is not for solar PV systems to be installed on Town property.

The Town seeks proposals for the purchase of Net Metering Credits from one or more qualified Solar Net Metering Facilities. Whereas a qualified Solar Net Metering Facility is defined by 220 C.M.R. §18.02; "Net Metering" is defined as set forth under Mass. Gen. Laws Ch. 164, § § 138 - 140 and 220 C.M.R. § 18.00; and "Net Metering Credit"(s) being defined as set forth in 220 C.M.R. § 18.00 and as specified in the Distribution Company's Net Metering tariffs pursuant to 220 CMR 18.09(2) and 220 CMR 18.09(3); each as may be amended from time to time by a Governmental Authority.

Electricity generated shall be delivered to a suitable electrical grid interconnection point and, through the sale of net metering credits, applied to Town accounts. The Proponent will be responsible for all project development costs including but not limited to interconnection studies, permitting, and any

subsequent interconnection and metering costs as well as the cost to acquire, install and maintain the solar PV energy renewable system.

The Proponent will retain all Solar Renewable Energy Certificates (SRECs), Environmental Credits, Tax Credits, and other credits or grants derived from the renewable energy project. The Proponent must comply with all town, state, and federal rules and regulations if awarded the contract.

## **2.) INCURRED EXPENSES**

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The Town is not responsible for any expenses that Proponents may incur in preparing and submitting proposals. All materials and documents submitted in response to this RFP become the property of the Town and will not be returned.

## **3.) PROPOSAL SUBMITTAL REQUIREMENTS**

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The following items shall constitute a complete proposal submission:

**A. LETTER OF TRANSMITTAL** – A letter signed by the individual authorized to bind the Proponent contractually. This individual will be the organization’s designee to negotiate with the Town on the contract terms. The letter shall specify that the Proponent is responsible, and demonstrably possesses the skill, ability and integrity necessary to perform the work called for.

**B. PROPOSAL** – Provide all information specified below:

**1. Statement of Understanding** of the scope of services sufficient to demonstrate an understanding of the scope of work and the goals and objectives of the Town. Explain how you will address the Town’s needs for the described services. Proponent must specify the amount and guarantee that they will provide net metering credits per month/quarter/year to the Town or pay the Town any shortfall at the contract price within 30 days of deficiency and the amount that they shall pay in the event of any shortfall deficiency. In submitting a bid, the Proponent is agreeing to execute a Net Metering Credit Sales Agreement with the Town.

### **2. Qualifications and Experience**

**A. Company Profile**

- Location of Corporate and Local Offices
- Year founded and number of continuous years in business
- Number of full time employees, excluding contractors, in local branch office at the time of submittal
- Company organization chart and resumes of key staff
- Evidence of General Liability insurance limits

**B. Financial Condition of Proponent**

- The Proponent must provide adequate documentation of the company’s financial status, current bond rating, annual financial report, or other independently audited financial report or tax return, to permit the Town to determine the Proponent’s ability to reliably

perform obligations under the expected contract. This financial information will be reviewed to ensure adequacy of financial resources to enable the Proponent to perform services as required under the expected contract.

- If the Proponent is not the ultimate project owner or parent company, the Proponent must provide the name of the project owner or parent company and provide the above information pertaining to the project owner or parent company and its ability to provide a guaranty.

C. List of members of the Project Team

- Team leader identification and full contact information
- Identification of each business entity, person, or firm involved in the bid and their role
- Resumes of personnel directly involved with the development of the proposed systems

D. Solar Project Experience

Solar project experience with particular emphasis on municipalities with which the Proponent has been involved during the last five (5) years, and any project ownership interests.

- Identify all solar PV systems installed by your company and operating under a Power Purchase Agreement, start and completion dates, the total capacity of each project (in kWh DC), length of a contract, location, and identity of the customer.
- Identification any solar PV systems currently contracted but not yet completed, including the total expected capacity of each project (in kWh DC), location, expected capital finance structure, and expected completion date.
- Provide up to three customer references including name, contact information and related project information. It is understood that the Town may contact any or all of the references as part of the proposal review process.
- State whether there is any current litigation regarding any power supply, net metering credit, solar energy development or other related matter involving the Company and any of its subsidiaries or off-balance sheet companies in which it has an interest. If there is any current litigation, provide a discussion of the current litigation.

E. Subcontractors

State if and how the Proponent will use Subcontractors to perform services pursuant to the expected contract. The Contractor shall provide the same assurances of competence for any Subcontractors, plus the demonstrated ability to manage and supervise the subcontracted work. If subcontractors change or are added during the course of the expected contract, approval by the Town is required in writing before any change or addition is made.

**3. Information re: Solar PV Facility to Serve Westford**

- Location and address of facility
- Indicate whether the facility is currently in operation, under construction or proposed
- Site map and locus (1 mile radius)
- Size of the overall facility in MW (DC)
- Number of MW (DC) and projected output (kWh AC) of the facility that would be dedicated to the Town
- Location of grid interconnection points

- Description of the type of PV system including whether system will be fixed or tracking
- Provide list and indicate status of permits, licenses, orders needed from any and all local, state, and/or federal agencies
- List of existing equipment at the facility if applicable
- Provide a list and schedule for delivery and installation of proposed equipment if applicable
- For existing facilities provide Daily Facility kWh Output Report (last 3 months), Monthly Facility Availability Reports (last 12 months), Monthly Facility Capacity Report (last 12 months)
- Date facility was put into service or in the case of a proposed facility scheduled date to be put into service
- Provide a description of the project financing arrangements for the solar PV installation

4. **Connection Authorization** – If available, provide copies of authorizations from local electric utility company to interconnect.
5. **Timetable** – The Town’s goal is to have this system in operation as soon as possible. Proponents shall provide a preliminary project schedule. Using Day 0 as the date that the Town and Proponent will execute a Net Metering Credit Sales Agreement, the Proponent should provide the following target schedule:

Execution Date	0
Permitting Begins	0 + ____ days
Final design plans complete	0 + ____ days
Equipment ordered	0 + ____ days
Construction/Installation begins	0 + ____ days
Electrical generation begins	0 + ____ days

6. **Methodology of Determining and Guaranteeing Electricity Generation** - Describe and provide an analysis of the firm’s methodology for determining net-metering savings. Provide a measurement and verification strategy for metering electricity generation.
7. **Describe the plan for maintaining the Solar PV installation.** Is maintenance staff available on site or is maintenance contracted out? How is a determination made that maintenance is needed? What is the plan for providing maintenance/repair services when needed? How quickly can you respond?
8. **Price** – The Town prefers that the Proponent provide multiple purchase price options for review and consideration. The Proponent is encouraged to submit both a fixed price per kWh and a discounted rate price per kWh for approximately 2.5 million kWh, 5 million kWh and 7.5 million kWh worth of net metering credits. The Proponent is also encouraged to submit pricing options for both a 10 year and 20 year term agreement. The Town will however consider all types of price formats and terms submitted. Ultimately, the Town will select the pricing option and terms that best suit the Town. The price proposals submitted shall be inclusive of all costs and identify any special terms or conditions such as annual escalators, inflation rates, minimum or maximum purchase prices, anticipated degradation rates, etc.

**C. REQUIRED CERTIFICATIONS**

- 1. Certificate of Vote of Organization** for the person signing the bid (if the Proponent is a corporation) See attached sample – *Exhibit 1*
- 2. Certificate of Compliance with Massachusetts Tax laws**  
See attached sample – *Exhibit 2*
- 3. Certificate of Non-Collusion**  
See attached sample – *Exhibit 3*

**4.) PROPOSAL EVALUATION**

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The primary purpose of this RFP is to reduce the price paid for electricity by the Town in both the short and long term. The Town may conduct such investigations as the Town considers necessary to assist in the evaluation of any proposal and to establish the responsibility, qualifications and financial ability of the Proponent. The Town shall be the sole judge of the Proponent's qualifications and whether the proposal is in the best interests of the Town. The Town will select the responsive and responsible Proponent with the most advantageous proposal, taking into consideration the Proponent's experience, references, and Price Proposal.

The "Best" proposal price and quantity of net metering credits will be determined by two factors:

- 1. The greatest total financial return to the Town over the length of the contract
- 2. The highest protection to the Town against risk

The successful Proponent will be required to enter into a contract with the Town according to a Net Metering Credit Sales Agreement to be negotiated by the parties. The Board of Selectmen is the awarding authority and reserves the right to reject any or all proposals, or any part thereof, to waive any informality, to negotiate any and all terms, and to award the contract as decided to be in the best interests of the Town.

**5.) SUBMISSION REQUIREMENTS**

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Sealed proposals must be clearly marked as “RFP – Solar Net Metering Credits” and received by the Town Manager’s Office by **11:00 AM on October 9, 2012**. All proposals shall include separate envelopes for price proposals and Proponent qualifications.

Proposals shall be submitted in person or via U.S. Mail (or similar) to:

John Mangiaratti  
Assistant Town Manager  
55 Main Street  
Westford, MA 01886

Proposals received by email will not be accepted. All communication regarding this RFP must be made in writing and directed to the Town Manager’s Office. The deadline for questions and requests for information is October 5, 2012. The Town intends to but shall not be required to answer any such

request for information. Town responses shall be provided to all Proponents who have obtained copies of this RFP.

**EXHIBIT 1  
CERTIFICATE OF VOTE OF ORGANIZATION**

At a duly authorized meeting of the Board of Directors of the

\_\_\_\_\_ (name of corporation)

held on \_\_\_\_\_, at which a quorum was present and acting throughout,  
(date)

Directors were present or waived notice, it was voted that \_\_\_\_\_  
(name and title)

of this organization be and hereby is authorized to submit bids and execute contracts in the name and behalf of said organization, and affix its Corporate Seal thereto and such action shall be valid and binding upon this organization.

A TRUE COPY, ATTEST: \_\_\_\_\_

Title: \_\_\_\_\_

Place of Business: \_\_\_\_\_

I hereby certify that I am the \_\_\_\_\_ of the \_\_\_\_\_,  
(Title) (Name of Organization)

And that \_\_\_\_\_ is the duly elected \_\_\_\_\_ of said  
(Name of Officer) (Position)

company, and that the above vote has not been amended or rescinded and remains in full force and effect as of the date of this contract.

Signature: \_\_\_\_\_

Name/Title: \_\_\_\_\_

Date: \_\_\_\_\_

(Corporate Seal)

COMMONWEALTH OF MASSACHUSETTS, SS. \_\_\_\_\_, 2010

Then personally appeared the above named \_\_\_\_\_ and acknowledged the foregoing instrument to be his/her free act and deed before me.

NOTARY PUBLIC

\_\_\_\_\_  
My commission expires

**EXHIBIT 2**  
**CERTIFICATE of COMPLIANCE**  
**WITH MASSACHUSETTS TAX LAWS**

Pursuant to Massachusetts General Laws, Chapter 62C, Section 49A(b), the undersigned, acting on behalf of the *Contractor*, certifies under the penalties of perjury that to the best knowledge and belief, the *Contractor* is in compliance with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

**Individual**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (please print or type)

\_\_\_\_\_  
Social Security Number

**Corporate**

\_\_\_\_\_  
Corporate Name (please print or type)

\_\_\_\_\_  
Signature of Corporate Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Corporate Officer (please print or type)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Taxpayer Identification Number

*Contractor* - As used in this certification, the word Contractor shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity or group of individuals.

**EXHIBIT 3**  
**CERTIFICATE of NON-COLLUSION**

**REVENUE ENFORCEMENT AND PROTECTION ACT**

The undersigned certifies under the penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word “person” shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity or group of individuals.

\_\_\_\_\_  
Signature of Individual Submitting Bid or Proposal

\_\_\_\_\_  
Name of Business (please print or type)

\_\_\_\_\_  
Date