

MERRIMACK VALLEY PLANNING COMMISSION

Request for Proposals

RFP002

Regional Renewable Energy Manager

Response Due Date: Thursday, September 15, 2011, 2:00 P.M.

160 Main Street

Haverhill, MA 01830

Telephone: (978) 374-0519

Facsimile: (978) 372-4890

DDiZoglio@mvpc.org

**Request for Proposals
for
Regional Renewable Energy Manager**

August 10, 2011

I. General Information and Proposal Submission Requirements

- A. Pursuant to M.G.L. Chapter 30B, the Merrimack Valley Planning Commission ("Awarding Authority") seeks proposals for a "Regional Renewable Energy Manager" from qualified and experienced firms for the purpose of advising and assisting Merrimack Valley municipalities in the planning and development of renewable energy projects (especially solar PV and/or wind power projects) on suitable municipal sites, including but not limited to closed landfills, brownfields, municipal buildings and structures, and other municipal properties.
- B. Proposals are to be submitted by **2:00 p.m., Thursday, September 15, 2011**, at which time they will be publicly opened. Postmarks will not be considered. Proposals submitted in any other form, including email and facsimile, will not be accepted as valid proposals.
- C. Envelopes containing sealed proposals will be accepted by the Merrimack Valley Planning Commission, 160 Main Street, Haverhill MA 01830 until the time indicated. M.G.L. Chapter 30B requires that price proposals must be separate from technical proposals. Therefore, please make no reference to pricing in the non-price technical proposal. Failure to adhere to this requirement will result in disqualification. It is the sole responsibility of the Proposer to insure that the proposal arrives on time at the MVPC Offices. Five separate sealed envelopes shall be submitted: four (4) containing the non-price technical proposal marked "Technical Proposal – Regional Renewable Energy Manager" and one (1) containing the price proposal marked "Price Proposal – Regional Renewable Energy Manager".
- D. A contract will be awarded by the Awarding Authority within sixty (60) days after the proposal opening. The time for award may be extended up to thirty (30) additional days by mutual agreement between the Awarding Authority and the responsible and responsive Proposer.
- E. If any changes are made to the Request for Proposals (RFP), an addendum will be issued. Addenda will be mailed, faxed, or emailed to all Proposers on record as having picked up/downloaded the RFP. Proposers shall be responsible for ensuring that all addenda are in receipt prior to proposal deadline. The Awarding Authority will require acknowledgement of any addenda issued to be included on the proposal form.
- F. Questions concerning this proposal must be submitted in writing to: Dennis DiZoglio, MVPC Executive Director (email ddizoglio@mvpc.org), before 2:00 PM on Thursday, September 8, 2011. Questions may be mailed, emailed or faxed. Written responses will be emailed or faxed to all Proposers on record as having picked up/downloaded the RFP.
- G. After the proposal opening, a Proposer may not change any provision of the proposal in a manner prejudicial to the interests of the Awarding Authority or fair competition. Minor informalities will be waived or the Proposer will be allowed to correct them. If a mistake and the intended proposal are clearly evident on the face of the proposal document, the mistake will be corrected to reflect the intended correct proposal, and the Proposer will be notified in writing.
- H. The Awarding Authority may cancel this RFP, or reject in whole or in part any and all proposals, if the Awarding Authority determines that the cancellation or rejection serves the best interests of the

Awarding Authority.

- I. All proposals submitted in response to this RFP must remain firm for sixty (60) days following the proposal opening.
- J. A proposal must be signed as follows: 1) if the Proposer is an individual, by her/him personally; 2) if the Proposer is a partnership, by the name of the partnership, followed by the signature of each general partner; and 3) if the Proposer is a corporation, by the authorized officer.

II. Proposal Submission Requirements

Proposers must complete and submit the following materials:

- A. Cover Letter and Technical Proposal
- B. Price Proposal (Appendix A – Fee Proposal Form)
- C. Minimum Qualifying Criteria Form (Appendix B)
- D. Proposer Certifications Form (Appendix C)
- E. Client References Form (Appendix D)

III. Rule for Award

The Awarding Authority will select the responsive and responsible firm submitting the most advantageous proposal taking into consideration the individual's/firm's success in providing Renewable Energy Manager services, the comparative criteria as well as the proposal price.

IV. Additional Contract Terms & Conditions

- A. The contract shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts. The proposal must comply with all Federal, State, and municipal laws, ordinances, rules and/or regulations.
- B. The term of the contract will be for approximately one year. At the sole discretion of the Awarding Authority, the contract may be extended for two (2) one (1)-year extensions.
- C. Purchases of goods and services by the Awarding Authority are exempt from the payment of Federal excise taxes and the Massachusetts sales tax, and any such taxes must not be included in the price computations.
- D. The successful Proposer will not be permitted to assign or underlet the contract, nor assign either legal or equitably, any monies hereunder, or its claim thereto, without the previous written consent of the Awarding Authority.
- E. Verbal orders are not binding on the Awarding Authority and work done without formal Purchase Order or Contract are at the risk of the Proposer and may result in an unenforceable claim.
- F. All words, signatures and figures submitted on the proposal shall be in ink. Proposals which are conditional, obscure or which contain additions not called for, erasures, alterations or irregularities, or any prices which contain abnormally high or low amounts for any item, may be rejected as informal. More than one proposal from the same Proposer will not be considered.
- G. The selected Proposer will be required to sign a contract with the Awarding Authority in which he/she accepts responsibility for the performance of services as stated in the submitted proposal and be prepared to commence work immediately upon execution of the signed contract
- H. Ownership of Information: All information acquired by the Proposer from the Awarding Authority, the municipalities or from others at the expense of the Awarding Authority in the performance of the

agreement shall be and remain the property of the Awarding Authority. All records, data files, computer records, work sheets, and all other types of information prepared or acquired by the Proposer for delivery to the Awarding Authority and the municipalities shall be and remain the property of the Awarding Authority. The Proposer agrees that he/she will use this information only as required in the performance of this agreement and will not, before or after the completion of this agreement, otherwise use said information, or copy or reproduce the same in any form, except pursuant to the sole written instructions of the Awarding Authority. The Proposer further agrees to return said information in whatever form it is maintained by the Proposer.

- I. The performance and payment obligations of the Awarding Authority will be subject to appropriation or availability of funds. If the Awarding Authority should not, for any reason at any time appropriate or otherwise make available funds to support continuation of performance in any fiscal year succeeding the first year, the Awarding Authority will cancel any contract pursuant to this RFP without penalty to the Awarding Authority upon thirty (30) days written notice to the successful Proposer.
- J. If at any time the successful Proposer fails to fulfill or comply with any of the requirements of this proposal/contract, the Awarding Authority, at its option, can terminate this contract upon thirty (30) days written notice to the firm.
- K. The selected Proposer must indemnify the Awarding Authority for any damages that are the result of its negligence or that of its employees.
- L. All information presented in this RFP, including information disclosed by the Awarding Authority or the municipalities during the proposal process, is considered confidential. Information shall not be released to outside parties and the RFP shall not be discussed with anyone at the Awarding Authority or the municipalities, other than the known participants, without written consent of the Awarding Authority. A Proposer shall not discuss his/her proposal with another proposer.

V. Project Background

The Merrimack Valley Planning Commission (MVPC) is the state-designated Regional Planning Agency serving the Merrimack Valley and Upper North Shore Region of northeastern Massachusetts. The region encompasses 270 square miles and consists of 15 cities and towns with a combined population of over 330,000. MVPC provides an array of professional planning and technical services to these constituent communities in the areas of comprehensive planning, transportation, economic development, environmental quality, geographic information systems, and energy management.

In 2010-2011, at the request of the Merrimack Valley Mayors and Managers Coalition, MVPC commissioned a study by an engineering and energy consulting firm to identify and evaluate potential renewable energy projects at selected Merrimack Valley landfill sites. This evaluation was designed as a preliminary assessment to determine which inactive landfill sites, if any, appear to have the necessary attributes to support the installation of municipal-scale solar photovoltaic (PV) panels and/or wind turbines, and which sites, if any, have a "fatal flaw" that would preclude the use of these renewable energy technologies. (See "*Report on the Preliminary Evaluation for Potential Renewable Energy Projects at Selected Merrimack Valley Landfill Sites*" (Meridian Associates, January 2011), available on the MVPC website at www.mvpc.org).

The above-referenced study examined a total of 11 landfill sites, both municipal and private, in nine communities: Amesbury, Andover, Boxford, Georgetown, Haverhill, Newbury, Rowley, Salisbury, and West Newbury. Four of the landfill sites – in Boxford, Georgetown, Newbury, and Salisbury – have been determined to have potential for ground-mounted solar PV installations. The Salisbury landfill also appears promising for wind power development. A fifth landfill site – in Rowley – may also have both solar and wind power development

potential, however this site's estimated 1.5-mile interconnection distance to the electric transmission grid may pose an economic constraint.

As a follow-up to the preliminary landfill assessment, and as the next step in the Merrimack Valley Region's evolving renewable energy development program, MVPC is seeking to retain an experienced energy consultant to serve as "Regional Renewable Energy Manager" for the region's 15 constituent communities. The Regional Renewable Energy Manager (RREM) will provide expert advice and assistance to the communities on an as needed basis and as funds permit in order to help identify, evaluate, and advance viable solar and wind power projects.

Although the original impetus for the RREM services was the 5 landfill properties cited above, the geographic scope of this RFP and ensuing project is not limited to those sites alone, but will include any other prospective sites that the communities may wish to consider, including but not limited to other landfill sites, brownfield sites, vacant and underutilized properties, and municipal buildings. The goal is to provide municipalities with the technical expertise needed to conceptualize, plan, and implement renewable energy projects that are consistent with local community objectives, are environmentally-sound and protective of human health and property, provide a reliable source of revenue for the community, and enjoy broad public support.

Not all communities will necessarily require the same level of professional services, nor within the same timeframe, due to differences in local capacity and community priorities. However, a full range of services will be offered through the Regional Renewable Energy Manager to meet the specialized needs of each participating community. These services are detailed in the following scope of work.

VI. Scope of Work

The Regional Renewable Energy Manager services will be offered beginning or about October 1, 2011 and will continue through December 31, 2012, with an option for two additional one-year project extensions. The RREM will, upon request for community assistance and as local funds permit, provide the following professional services:

Tasks

- 1. Meet with Interested MVPC Communities to Discuss the Following:**
 - a. Determine each prospective host community's goals for renewable energy development;
 - b. Outline and discuss renewable energy options and incentives;
 - c. Provide understanding of the preferred RFP process;
 - d. Identify and find resolution to potential challenges/constraints to renewable energy development;
 - e. Discuss potential site opportunities within host community including landfills, Brownfields, municipal buildings and structures, and Greenfield sites;
 - f. Discuss economic, environmental, and educational benefits of renewable energy development.

- 2. Assist Host Community in the Identification and Preliminary Evaluation of Potential Sites for Renewable Energy Development**
 - a. Perform preliminary investigation of site amenities and constraints through review of materials provided by the host community;
 - b. Tour identified properties;
 - c. Identify preliminary solar PV array and/or wind turbine layout, as well as electrical interconnection location;

- d. Research environmental and permitting requirements;
 - e. Review existing site design drawings and plans, if any, provided by the host community;
 - f. Provide summary memorandum outlining environmental, permitting and electrical engineering constraints;
 - g. Perform an interconnection study in cooperation with the local utility;
 - h. Meet with applicable federal, state and local agencies to gain initial project concurrence;
 - i. Attend Town Hall meetings to present/discuss proposed project development and address public questions and concerns.
- 3. Assist Host Community in Preparation of Developer RFP**
- a. Establish roles of the host community, developer and/or project financier;
 - b. Develop schedule for RFP implementation;
 - c. Develop proposal instructions, requirements, format and content
 - d. Determine preferred division of responsibility among host community, developer and/or project financier;
 - e. Obtain site drawings for sites of interest;
 - f. Draft RFP document and submit for host community comment;
 - g. Finalize RFP document and submit to host community;
 - h. Lead bid walks and meetings;
 - i. Respond to developer/financier questions.
- 4. Assist Host Community in Evaluation and Ranking of Developer RFP Proposals**
- a. Review developer/financier bids;
 - b. Ensure bids are complete with required content;
 - c. Review developer/financier proposed energy production schedule;
 - d. Review developer/financier insurance policies;
 - e. Recommend the most qualified developer and economically beneficial proposal to the host community;
 - f. Summarize bids and recommendations with report to the host community.
- 5. Assist Host Community in Contract Negotiations with Selected Developer/Financier and Local Utility**
- a. Draft a power purchase agreement (PPA) or similar contract vehicle and include within RFP document;
 - b. Assist with the interconnection application and negotiation process with the local utility;
 - i. Perform all electrical engineering stability studies;
 - ii. Work with local utility from interconnection application to construction.
 - c. Advise host community, while negotiating typical terms and conditions of the PPA including the following:
 - i. Contract term and termination;
 - ii. Construction, Installation and System Testing;
 - iii. System Operations;
 - iv. Delivery of Renewable Energy Services;
 - v. Price and Payment;
 - vi. Representations and Warranties;
 - vii. Taxes and Governmental Fees;
 - viii. Force Majeure;
 - ix. Default and Remedies;
 - x. Limitations of Liability;
 - xi. Confidentiality;

- xii. Indemnity;
- xiii. Insurance.

6. Attend Host Community Meetings and Periodic Meetings of Merrimack Valley Mayors and Managers Coalition (held at MVPC Offices) to Apprise Local Officials and MVPC Staff of Project Progress

The Regional Renewable Energy Manager will be the participating communities' primary source of expert advice and assistance for advancing their renewable energy projects from conception through development. As such, the RREM must be thoroughly familiar with all aspects of solar and wind power generation projects, including renewable energy technologies, facility siting, design, construction, operation, and maintenance. The RREM will not only advise and assist the communities in carrying out the above scope of work, but will also act as their *advocate*, ensuring that their best interests, financial and other, are fully considered throughout the project planning and implementation process. In this dual role as community advisor and advocate, it will be critically important that the RREM not also act as, or in behalf of, the site developer, so as to avoid any conflict of interest, either real or perceived.

The RREM must have at least five years experience in project/program management in the energy consulting field, including at least three years in the *renewable* energy consulting field, and direct 'hands on' experience working with municipal government.

VII. Proposal Evaluation Information

All proposals will be reviewed in accordance with M.G.L. Chapter 30B by an evaluation team comprised of MVPC (Awarding Authority) staff and municipal representatives. The final selection will be based upon an evaluation and analysis of the information and materials required under the RFP. Proposals that meet the following Minimum Qualifying Criteria will be reviewed for responses to the Comparative Evaluation Criteria.

MINIMUM QUALIFYING CRITERIA

In the submittal form presented in Appendix B, Proposers must specify a "Yes" or "No" response to each of the following Minimum Qualifying Criteria. **If any Minimum Qualifying Criterion is marked "No", that proposal will be REJECTED.**

| Minimum Qualifying Criteria | |
|------------------------------------|--|
| 1. | Proposer has a minimum of five (5) years of experience in the field of energy management, with at least three (3) years of experience in the field of renewable energy management. |
| 2. | Proposer has implemented a minimum of five (5) energy consulting projects, with a minimum of three (3) renewable energy consulting projects. At least one (1) of the renewable energy consulting projects must have been performed for a municipality in Massachusetts |

COMPARATIVE EVALUATION CRITERIA

The following Comparative Evaluation Criteria will be applied to all eligible Technical Proposals submitted. Each criterion will receive one rating of either "Highly Advantageous", "Advantageous", or "Not Advantageous". The rating that each question receives will be used to compile a composite rating for each Proposer, to be used in the Selection Process segment of this RFP. **If any Comparative Evaluation Criterion receives a rating of "Not Advantageous" that proposal will be REJECTED.**

| Comparative Evaluation Criteria | | | |
|--|--|--|---|
| Comparative Criteria | Highly Advantageous | Advantageous | Not Advantageous |
| 1. Organization, completeness, and clarity of proposal | Includes all submissions and demonstrates thoroughness of preparation | Complete | Incomplete |
| 2. Scope of Services | Highly defined and developed with exceptionally clear implementation strategy | Sufficiently developed with implementation strategy that is adequate | Inadequately developed with unclear implementation strategy |
| 3. Description of related energy consulting projects, with special reference to renewable energy projects | Professional, well organized, clear, comprehensive, addresses all project objectives | Generally professional, organized, understandable, addresses all project objectives. | Generally unprofessional |
| 4. Years of experience in energy consulting | 10+ years | 5 — 9 years | 0 — 4 years |
| 5. Number of energy consulting projects. | 10+ projects | 5 — 9 projects | 0 — 4 projects |
| 6. Number of renewable energy consulting projects | 7+ projects | 4 — 6 projects | 0 — 3 projects |
| 7. Number of renewable energy consulting projects performed for a MA municipality. | 5+ projects | 2 — 4 projects | 0 — 1 projects |

Interviews

Interviews may be required at the Awarding Authority's discretion after review of the technical proposals. Proposers will be provided with advance notice of at least five (5) working days. Presentations should not exceed thirty (30) minutes in length, with a question and answer period to follow.

Forms to be Included in the Technical Proposal Package

All proposers shall submit a Technical Proposal in strict accordance with the submission requirements listed below. Any firms failing to provide all of the submission requirements will be considered "not responsive" and the proposal may be rejected without further consideration.

The information submitted must include the following items:

1. Cover Letter: A letter signed by an officer of the firm, binding the firm to all comments made in the proposal is required. Include a primary contact person for the proposal.
2. Qualifications and Experience:
 - a. Names and addresses of all firms involved on the project.
 - b. History, size and structure of firm(s).

- c. Names(s) of principals of firm(s). In addition, submit the name and telephone number of the person who will be the main contact from the firm for this contract.
 - d. Identification of Principal in Charge and Project Manager.
 - e. Resumes of all personnel who will be assigned to this contract. Describe what each individual's role will be and what services they will perform.
 - f. Indicate whether or not your firm has been dismissed or disqualified from a bid/contract within the past five years, and if yes, the reason(s) why.
 - g. A list of municipal/organizational references related to similar services. This information will be included on the Client References form in Appendix D.
 - h. Samples of reports, papers, memoranda, etc., from previous energy consulting engagements, if pertinent to the scope of work presented in this RFP, may be attached to the proposal.
3. Firm/Individual Name, Contact Name, Address, E-Mail and Telephone Numbers.
 4. Firm/Individual History including length of time the firm/individual has been in business, legal form (sole proprietorship, partnership, corporation and State of incorporation), number and location of offices, number of employees, and other pertinent data. Please describe any parent/subsidiary/affiliate relationships.
 5. Names and Titles of firm partners and/or officers that will be servicing the municipalities.
 6. Describe how your organization is properly licensed, bonded and/or insured (both fidelity insurance and errors and omissions insurance).
 7. Signed and completed Appendix B (Minimum Qualifying Criteria)
 8. Signed and completed Appendix C (Proposer Certifications)
 9. Signed and completed Appendix D (Client References)
 10. Disclose any conditions (e.g., bankruptcy or other financial problems, pending litigation, planned office closures, impending merger) that may affect your organization's ability to perform contractually.
 9. Acknowledgment of Addenda: Each Proposer shall acknowledge the receipt of any addenda by signing and including it with their proposal.

Form to be Included in the Price Proposal Package

All proposers shall submit a Price Proposal in strict accordance with the submission requirement listed below. Any Proposer failing to provide the following submission requirement will be considered "not responsive" and the proposal may be rejected without further consideration.

1. The information submitted must include the attached Fee Proposal Form (Appendix A).

Appendix A

Fee Proposal Form Regional Renewable Energy Manager

Cost per Hour \$ _____

Firm Name _____

Address _____

Signature of Company Official _____

Printed Name of Company Official _____

Title of Company Official _____

Phone number _____

Fax Number _____

E-Mail Address _____

Appendix B

Minimum Qualifying Criteria

Please specify under the columns marked "Yes" or "No" your response to each of the following minimum qualifying criteria:

| Minimum Qualifying Criteria | Yes | No |
|--|-----|----|
| 1. Proposer has a minimum of five (5) years of experience in the field of energy management, and at least three (3) years of experience in the field of renewable energy management. | | |
| 2. Proposer has implemented a minimum of five (5) energy consulting projects and a minimum of three (3) renewable energy consulting projects. At least one (1) of the renewable energy consulting projects must have been performed for a municipality in Massachusetts. | | |

Signature of Company Official:

Printed Name of Company Official:

Title of Company Official:

Appendix C

Proposer Certifications

NON-COLLUSION

The undersigned certifies under penalties of perjury that this 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 or individuals.

TAX COMPLIANCE

Pursuant to M.G.L. Chapter 62C, Sec. 49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

CERTIFICATE OF FOREIGN CORPORATION

The undersigned hereby certifies that it has been duly established, organized, or chartered as a corporation under the laws of: _____
(Jurisdiction)

The undersigned further certifies that it has complied with the requirements of M.G.L. c. 30, & 39L, and with the requirements of M.G.L. c. 181 relative to the registration and operation of foreign corporations within the Commonwealth of Massachusetts.

Signature of Authorized Company Official

Print Name

Name of Firm

Appendix D

Client References

Provide a list of municipal/organizational client references for whom your firm has provided similar energy consulting services within the last three (3) years.

| Municipality/Organization | Contact Person | Telephone Number | E-mail Address |
|---------------------------|----------------|------------------|----------------|
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Signature of Company Official _____

Printed Name of Company Official _____

Title of Company Official _____