**THE STATE OF MAINE**

**Department of Administrative & Financial Services**

**Bureau of General Services**

**On behalf of the Department of Corrections**

**RFP# 20231020**



**Maine State Prison Ground-Mounted Solar Project**

|  |  |
| --- | --- |
| **RFP Coordinator** | *All communication regarding the RFP must be made through the RFP Coordinator identified below*.  **Name:** Conner McFarland **Title:** Manager of Correctional Operations  **Contact Information:** Conner.McFarland@maine.gov |
| **Bidders’ Conference** | **Date:** Monday October 30, 2023 **Time:** 10 A.M., local time  **Location:** 475 Cushing Road, Warren ME 04864 |
| **Submitted Questions Due** | *All questions must be received by the RFP Coordinator identified above by:*  **Date:** Friday November 3, 2023, no later than 11:59 p.m., local time |
| **Notice of Intent to Bid** | *All notice of intents must be received by the RFP Coordinator identified above by:*  **Date:** Friday November 17, 2023, no later than 11:59 p.m., local time |
| **Proposal Submission** | *Proposals must be received by the Bureau of General Services by:*  **Submission Deadline:** Friday December 1, 2023, no later than 11:59 p.m., local time.  *Proposals must be submitted electronically to the following address:*  **Electronic (e-mail) Submission Address:** [bgs.architect@maine.gov](mailto:Proposals@maine.gov) |

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**RFP TERMS/ACRONYMS with DEFINITIONS**

The following terms and acronyms, as referenced in the RFP, shall have the meanings indicated below:

|  |  |
| --- | --- |
| **Term/Acronym** | **Definition** |
| **BGS** | Bureau of General Services |
| **CMP** | Central Maine Power Company |
| **COD** | Commercial Operation Date |
| **Department** | Maine Department of Corrections |
| **DEP** | Maine Department of Environmental Protection |
| **MW** | Megawatt (measured in alternating current) |
| **MWH** | Megawatt-hours |
| **NEB** | Net Energy Billing |
| **NEBC** | Net Energy Billing Credit |
| **NEBCA** | Net Energy Billing Credit Agreement |
| **REC** | Renewable Energy Credit |
| **RFP** | Request for Proposal |
| **State** | State of Maine |
| **Solar PV** | Solar Photovoltaics |

**State of Maine – Bureau of General Services**

**RFP# 20231020**

**Maine State Prison Ground-Mounted Solar Project**

**PART I INTRODUCTION**

1. **Purpose and Background**

The State of Maine is seeking proposals from qualified developers of solar PV generation systems to develop solar facilities that can help meet the State’s Lead by Example goals related to renewable energy procurement and to help reduce the Department’s energy costs.

BGS is seeking proposals for a qualified partner that will finance, design, procure, install, operate, and maintain a front-of-the-meter solar array in Warren, ME on State-owned property near the Maine State Prison (the “Site”).

The solar PV system in Warren (the “Project”) will be developed pursuant to the terms and conditions of an initial 20-year land lease agreement (the “Land Lease”) between the selected Bidder and BGS, which shall include renewal options. The Department shall retain all RECs generated by the Project and will serve as the sole offtaker for NEBCs produced by the Project under CMP’s NEB Tariff Rate Program. The NEBCs that are generated by the Project and are allocated by CMP to the Department’s electric bill(s) shall not be transferred to the selected Bidder. The Department and the selected Bidder shall have a mutually agreed-upon price that the Department will pay to the Bidder for each NEBC that is received by the Department on its chosen electric account(s). The price owed by the Department shall be the basis of a 20-year purchasing agreement by and between the selected Bidder and the Department (the “NEBCA”).

The Department executed an interconnection agreement for the Project with CMP in April 2023 for 4.98 MW and executed a 20-year NEB Agreement for the Project with CMP in June 2023 for 1.99 MW. These agreements will be assigned to the selected Bidder. The Department has also conducted preliminary local and DEP permitting investigations for the Project.

1. **General Provisions**
   1. From the time the RFP is issued until award notification is made, all contact with the State regarding the RFP must be made through the RFP Coordinator. No other person is empowered to make binding statements regarding the RFP. Violation of this provision may lead to disqualification from the bidding process, at the State’s discretion.
   2. Issuance of the RFP does not commit BGS to issue an award or to pay expenses incurred by a Bidder in the preparation of a response to the RFP. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
   3. All proposals must adhere to the instructions and format requirements outlined in the RFP and all written supplements and amendments (such as the Summary of Questions and Answers), issued by BGS. Proposals are to follow the format and respond to all questions and instructions specified below in the “Proposal Submission Requirements” section of the RFP.
   4. Bidders will take careful note that in evaluating a proposal submitted in response to the RFP, BGS will consider materials provided in the proposal, information obtained through interviews/presentations (if any), and internal BGS information of previous contract history with the Bidder (if any). BGS also reserves the right to consider other reliable references and publicly available information in evaluating a Bidder’s experience and capabilities.
   5. The proposal must be signed by a person authorized to legally bind the Bidder and must contain a statement that the proposal and the pricing contained therein will remain valid and binding for a period of 180 days from the date and time of the bid opening.
   6. The RFP and the awarded Bidder’s proposal, including all appendices or attachments, will be the basis for the final lease, as determined by BGS.
   7. Following announcement of an award decision, all submissions in response to this RFP will be public records, available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) ([1 M.R.S. § 401](http://www.mainelegislature.org/legis/statutes/1/title1sec401.html) et seq.).
   8. BGS, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in proposals received in response to the RFP.
   9. All applicable laws, whether or not herein contained, are included by this reference. It is the Bidder’s responsibility to determine the applicability and requirements of any such laws and to abide by them.
   10. This RFP is administered by BGS pursuant to Title 5, ch. 153 (Public Improvements).
2. **Eligibility to Submit Bids**

To be considered for award for the Project, Bidders must have the following staff included in their Organizational Chart:

− A North American Board of Certified Energy Practitioners (NABCEP) Certified PV Installer.

− A Master Electrician licensed with the State of Maine.

1. **Lease Term**

BGS is seeking a cost-efficient proposal to provide services, as defined in the RFP, for the anticipated lease period defined in the table below. Please note, the dates below are estimated and may be adjusted, as necessary, to comply with all procedural requirements associated with the RFP and the leasing process. The actual lease start date for each agreement will be established by a completed and approved lease. The NEBCA will remain in place during the terms of the lease agreement resulting from this RFP, including any renewal periods.

Lease Renewal: Following the initial term of the lease, BGS may opt to renew each lease for two five-year renewal periods, as shown in the table below, and subject to continued availability of funding and satisfactory performance.

The term of the anticipated lease for each requested solar PV service, resulting from the RFP, is defined as follows:

|  |  |  |
| --- | --- | --- |
| **Period** | **Start Date** | **End Date** |
| Initial Period of Performance | January 1, 2024 | 20th Anniversary of COD |
| Renewal Period #1 | 20th Anniversary of COD | 25th Anniversary of COD |
| Renewal Period #2 | 25th Anniversary of COD | 30th Anniversary of COD |

1. **Number of Awards**

BGS anticipates making one award as a result of the RFP process.

**PART II SCOPE OF SERVICES TO BE PROVIDED**

The scope of services requested in this RFP includes turn-key development of a ground-mounted solar array on State-owned property in Warren, ME near the Maine State Prison.

Bidder shall be responsible for all labor, materials, and administrative costs to develop and maintain the proposed solar PV system(s) in accordance with prudent industry standards. Further, the selected Bidder shall be prepared to assume all costs associated with decommissioning its solar PV system upon termination of any negotiated agreements if arrangements are not otherwise negotiated for BGS to assume ownership of such solar PV system. The RFP does not fully list all system requirements or all of the selected Bidder’s obligations. Selection of a Bidder does not guarantee rights to the bidder until BGS and the selected bidder execute a Land Lease that contains all of the terms, standards, and obligations of BGS and of the selected Bidder.

1. **Maine State Prison Site Overview**

The proposed footprint for the ground-mounted solar PV installation near the Maine State Prison is shown in the first image in **Appendix G**. The area outlined in red is available to use for hosting the solar array and its associated equipment and the location highlighted in yellow (475 Cushing Road) is the proposed point of interconnection where the solar array will be connected to CMP’s local three-phase distribution system. The second image in Appendix G shows the location of existing vernal pools on the Site.

The third image in Appendix G includes a roadside view of the proposed point of interconnection, Pole #124 along Cushing Road, and the dirt road that leads to the Site. The Project’s point of interconnection to CMP’s system will be made to the primary voltage of 12.47 kV via circuit 246D3 which is served from CMP’s Thomaston Creek Substation. The distance from the point of interconnection to the Thomaston Creek Substation is approximately four miles.

1. **Interconnection Status**

In April 2023, the Department executed a Level 4 Interconnection Agreement with CMP for the Project. A copy of the agreement is included in **Appendix H**, along with the interconnection impact study completed by CMP for the Project: PRJ 628 Final Report dated April 25, 2022 and PRJ 628 System Impact Study Addendum dated March 27, 2023.

To date, the Project has not received I.3.9 approval from ISO New England. According to CMP, the Project will be included in the second Midcoast Cluster for the purposes of completing the transmission system impact study being required by ISO New England. CMP’s Biweekly Report on Transmission Studies can be found online on the Company’s website at: <https://www.cmpco.com/suppliersandpartners/servicesandresources/interconnection>

The Project’s Level 4 Interconnection Agreement is for a solar PV system with a nameplate generation capacity not to exceed 4.98 MW. The Department was unable to meet the development milestones established by L.D. 936 to grandfather the full 4.98 MW of generation for NEB eligibility. In June 2023, the Department and CMP executed an NEB Agreement for the Project for 1.99 MW. A copy of the agreement is included in **Appendix I**. Additional information on NEB can be found online at: <https://www.maine.gov/mpuc/regulated-utilities/electricity/neb>

1. **Bidder Cost Responsibilities & Requirements for the Project**
   1. In developing its proposed solar PV installation at the Site, the selected Bidder shall be responsible for performing the following activities and tasks at its own expense:
      1. All labor, materials, and administrative costs to develop the solar array, plus all applicable decommissioning costs, in accordance with prudent industry standards. BGS and the Department will not contribute funds to cover any portion of such costs and expenses.
      2. All labor, materials, and administrative costs to develop a distribution line to interconnect the solar array to CMP’s three-phase distribution system that runs along Cushing Road.
      3. All Site due diligence, geotechnical review, and Site preparation for construction. Geotechnical review may be required based on location of conduit installation, as applicable. Unless approved by BGS, existing drainage patterns on the Site shall not be altered. If any unknown hazardous and/or contaminated materials are encountered during the construction of the solar array or an unexpected, reportable environmental incident occurs, Bidder must stop work and contact DEP immediately. Bidders shall be responsible for all costs associated with environmental impacts arising out of, resulting from, or attributable to operations or actions conducted on the Site by the bidder, its employees, agents or contractors prior to the expiration of bidder’s associated land lease agreement, including environmental impacts that may not become apparent until after such land lease has terminated.
      4. All maintenance activities related to the solar array and its components for the lease term.
      5. Solar PV installations shall not adversely affect the safety, design, construction, operation, maintenance, or stability of BGS’ property or assets, and shall not interfere with or impair the Department’s mission to “make our communities safer by reduce harm through supportive intervention, empowering change and restoring lives.” Construction, operation and maintenance activities shall be coordinated with BGS and the Department to ensure that Department operations are not disrupted.
   2. The Department has completed initial investigations on local and environmental permitting for the Project. The selected Bidder will be required to complete all local and environmental permitting for the Project at Bidder’s sole expense. A copy of the Site Plan Review Application submitted to the Town of Warren and a copy of the Maine State Vernal Pool Assessment Form completed by DEP are included in **Appendix J**. Vernal pool mapping has been completed for the Site, in Google Earth file format, and can be provided upon request.
   3. Proposals must comply with the Department’s Pollinator Seeding Plan, detailed in **Appendix K**, for all construction and maintenance activities at the Site.
   4. All equipment installed on the Site shall meet all applicable building codes. All equipment included for the Project shall be UL listed.
   5. At the end of the Land Lease initial term or any renewal term, if BGS declines any provided option for renewal or purchase of the Project, the selected Bidder will decommission and remove all solar PV system components from the Site and will surrender the Site in a condition reasonably comparable to that existing prior to the Land Lease, reasonable wear and tear excepted, which shall include grading and seeding the surrendered property to provide adequate grass coverage, all at the Bidder’s sole cost and expense. System decommissioning and removal includes but is not limited to the removal of all related equipment, including but not necessarily limited to: any perimeter fences, any concrete or steel foundations, all metal structure (mounting racks), all PV modules, alternators, generators, aboveground and underground cables, transformers, inverters, switch boxes, and other fixtures.
   6. Bidder shall be responsible for applying for and obtaining any state or federal financial incentives for the Project it chooses to pursue without reliance on BGS participation. A description of the incentive program offered by the State of Maine can be found at <https://www.maine.gov/mpuc/electricity/renewables/index.shtml>
2. **Form of Lease**

BGS reserves the right to modify or terminate this RFP at any stage if BGS determines such action to be in its best interest. BGS’ receipt of a proposal pursuant to this RFP does not create any lease or commitment by BGS.

The selected Bidder for the Project will be required to promptly negotiate a 20-year Land Lease with BGS and a 20-year NEBCA with the Department. BGS will consider incorporating an appropriate due diligence period in the Land Lease if requested by the Bidder. Upon execution of the Land Lease, Bidder shall owe BGS a lump sum payment of ($255,667). The lump sum payment will be the only payment due to BGS under the Land Lease; there will not be an annual recurring lease payment required. The lump sum payment made to BGS upon execution of the Land Lease will not be reimbursed in the case Bidder’s due diligence of the Site or permitting efforts produce unacceptable results that lead to Bidder terminating development efforts for the Project.

As part of its proposal for the Project, Bidder must provide a copy of its proposed Land Lease, which must incorporate BGS’ required lease provisions included in **Appendix L**. Nothing herein shall be interpreted to imply that BGS will agree to the terms included in Bidder’s proposed Land Lease. BGS has included a copy of the State’s approved NEBCA template in **Appendix L**, which shall serve as the basis for negotiating the final NEBCA for the Project. Bidders must note any terms and conditions in the NEBCA with which they take exception as part of the proposal submission. A version of the NEBCA template in Appendix L can be provided in Microsoft Word upon request.

If acceptable NEBCA and/or Land Lease terms and conditions cannot be established with the selected Bidder(s) in a period of time that is satisfactory to the Department, then BGS reserves the right to terminate negotiations with that Bidder and select an alternate proposing Bidder with whom to enter into NEBCA and/or Land Lease negotiations until an acceptable contractual arrangement is established.

**PART III KEY RFP EVENTS**

1. **Bidders’ Conference**

BGS and the Department will sponsor a Bidders’ Conference concerning the RFP beginning at the date, time and location shown on the RFP cover page. The purpose of the Bidders’ Conference is to answer and/or field questions, clarify for potential Bidders any aspect of the RFP requirements that may be necessary and provide supplemental information to assist potential Bidders in submitting responses to the RFP. Although attendance at the Bidders’ Conference is not mandatory, it is strongly encouraged that Bidders attend if they intend to bid on the Project.

If Bidders are interested in attending the Bidders’ Conference and the in-person walkthrough of the Site, Bidder must notify the Department via email no later than 4:59 p.m., local time, on Thursday October 26, 2023. The RSVP email should be sent to [Conner.McFarland@maine.gov](mailto:Gary.LaPlante@maine.gov). Participants will meet at 10 A.M. at 475 Cushing Road, Warren, ME and will drive to the Site.

1. **Questions**
   1. **General Instructions:** This RFP is administered by BGS pursuant to Title 5, ch. 153 (Public Improvements). It is the responsibility of all Bidders and other interested parties to examine the entire RFP and to seek clarification, in writing, if they do not understand any information or instructions.
      1. Bidders and other interested parties must use **Appendix E** – Submitted Questions Form – for submission of questions. The form is to be submitted as a WORD document.
      2. The Submitted Questions Form must be submitted, by e-mail, and received by the RFP Coordinator, identified on the cover page of the RFP, as soon as possible but no later than the date and time specified on the RFP cover page.
      3. Submitted Questions must include the RFP Number and Title in the subject line of the e-mail. BGS assumes no liability for assuring accurate/complete/on time e-mail transmission and receipt.
   2. **Question & Answer Summary:** Responses to all questions will be compiled in writing and posted on the following website no later than seven (7) calendar days prior to the proposal due date: <https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps>. It is the responsibility of all interested parties to go to this website to obtain a copy of the Question & Answer Summary. Only those answers issued in writing on this website will be considered binding.
2. **Amendments**

All amendments released in regard to the RFP will also be posted on the following website: <https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps>. It is the responsibility of all interested parties to go to this website to obtain amendments. Only those amendments posted on this website are considered binding.

1. **Notice of Intent to Bid**
   * + 1. **Notice of Intent Due:** Bidders interested in submitting a proposal are required to submit **Appendix F** - Notice of Intent by the date and time specified on this RFP’s cover page.

Failure to submit a Notice of Intent by this deadline, outlined on the cover page of the RFP, will automatically result in a Bidder’s proposal being disqualified from the evaluation process.

* + - 1. **Submission:** Notices of Intent are to be submitted only to the RFP Coordinator listed on this RFP’s cover page. The Bidder is responsible for allowing adequate time for delivery. BGS assumes no liability for assuring accurate/complete/on-time e-mail transmission and receipt.

1. **Submitting the Proposal**
   1. **Proposals Due:** Proposals must be received no later than 11:59 p.m. local time, on the date listed on the cover page of the RFP. E-mails containing original proposal submissions, or any additional or revised proposal files, received after the 11:59 p.m. deadline will be rejected without exception.
   2. **Delivery Instructions:** E-mail proposal submissions are to be submitted to BGS at [[bgs.architect@maine.gov](mailto:Proposals@maine.gov)](mailto:Proposals@maine.gov).
      1. Only proposal submissions received by e-mail will be considered. BGS assumes no liability for assuring accurate/complete e-mail transmission and receipt.
      2. E-mails containing links to file sharing sites or online file repositories will not be accepted as submissions. Only e-mail proposal submissions that have the actual requested files attached will be accepted.
      3. Encrypted e-mails received which require opening attachments and logging into a proprietary system will not be accepted as submissions. Please check with your organization’s Information Technology team to ensure that your security settings will not encrypt your proposal submission.
      4. File size limits are 25MB per e-mail. Bidders may submit files separately across multiple e-mails, as necessary, due to file size concerns. All e-mails and files must be received by the due date and time listed above.
      5. Bidders are to insert the following into the subject line of their e-mail proposal submission: **“RFP# 20231020 Proposal Submission – [Bidder’s Name]”**
      6. Bidder’s proposal submissions are to be broken down into multiple files, with each file named as it is titled in bold below, and include:

* **File 1 [Bidder’s Name] – Preliminary Information:**

*PDF format preferred*

**Appendix A** (Proposal Cover Page)

**Appendix B** (Debarment, Performance and Non-Collusion Certification)

All required eligibility documentation stated in PART IV, Section I

* **File 2 [Bidder’s Name] – Organization Qualifications and Experience:**

*PDF format preferred*

**Appendix C** (Organization Qualifications and Experience Form) and all required information and attachments stated in PART IV, Section II.

* **File 3 [Bidder’s Name] – Proposed Services:**

*PDF format preferred*

All required information and attachments stated in PART IV, Section III.

* **File 4 [Bidder’s Name] – Cost Proposal:**

*PDF format preferred*

**Appendix D** (Cost Proposal Form) and all required information and attachments stated in PART IV, Section IV.

**PART IV PROPOSAL SUBMISSION REQUIREMENTS**

This section contains instructions for Bidders to use in preparing their proposals. BGS seeks detailed yet succinct responses that demonstrate the Bidder’s qualifications, experience, and ability to perform the requirements specified throughout the RFP.

The Bidder’s proposal must follow the outline used below, including the numbering, section, and sub-section headings. Failure to use the outline specified in PART IV, or failure to respond to all questions and instructions throughout the RFP, may result in the proposal being disqualified as non-responsive or receiving a reduced score. BGS, and its evaluation team, has sole discretion to determine whether a variance from the RFP specifications will result either in disqualification or reduction in scoring of a proposal. Rephrasing of the content provided in the RFP will, at best, be considered minimally responsive.

Bidders are not to provide additional attachments beyond those specified in the RFP for the purpose of extending their response. Additional materials not requested will not be considered part of the proposal and will not be evaluated. Include any forms provided in the submission package or reproduce those forms as closely as possible. All information must be presented in the same order and format as described in the RFP.

**Proposal Format and Contents**

**Section I Preliminary Information** (File #1)

* 1. **Proposal Cover Page**

Bidders must complete **Appendix A** (Proposal Cover Page). It is critical that the cover page show the specific information requested, including Bidder address(es) and other details listed. The Proposal Cover Page must be dated and signed by a person authorized to enter into a lease on behalf of the Bidder.

* 1. **Debarment, Performance and Non-Collusion Certification**

Bidders must complete **Appendix B** (Debarment, Performance and Non-Collusion Certification Form). The Debarment, Performance and Non-Collusion Certification Form must be dated and signed by a person authorized to enter into a lease on behalf of the Bidder.

* 1. **Eligibility Requirements**

Bidders must provide documentation to demonstrate meeting eligibility requirements stated in PART I, C. of the RFP.

**Section II Organization Qualifications and Experience** (File #2)

* 1. **Overview of the Organization**

Bidders must complete **Appendix C** (Qualifications and Experience Form) describing their qualifications and skills to provide the requested services in the RFP. Bidders must include three examples of projects which demonstrate their experience and expertise in performing these services as well as highlighting the Bidder’s stated qualifications and skills, including successfully permitting solar PV projects in Maine.

* 1. **Subcontractors**

If subcontractors are to be used, Bidders must provide a list that specifies the name, address, phone number, contact person, and a brief description of the subcontractors’ organizational capacity and qualifications.

* 1. **Organizational Chart**

Bidders must provide an organizational chart.  The organizational chart must include the solar PV service being proposed.  Each position must be identified by position title and corresponding to the personnel job descriptions. Subcontractors should be included in the organizational chart, which should clearly show how subcontractors will be managed.

* 1. **Litigation**

Bidders must attach a list of all current litigation in which the Bidder is named and a list of all closed cases that have closed within the past five (5) years in which the Bidder paid the claimant either as part of a settlement or by decree.  For each, list the entity bringing suit, the complaint, the accusation, amount, and outcome.

* 1. **Financial Viability & Financing Plan**

Audited financial statements for the last three years; if audited statements are not available, please provide financial statements reviewed or compiled by a certified public accountant, as well as statements certified as to accuracy by the Bidder’s Chief Financial Officer (or equivalent). A bank reference with contact information may also be used.

Bidder’s approach for financing the Project, including whether Bidder plans to finance and own the Solar PV installations or utilize third-party financing. If Bidder plans to utilize third-party financing to complete the Project, Bidder’s proposal response shall detail the financing entities being considered.

* 1. **Licensure/Certification**

Bidders may provide documentation of any applicable licensure/certification or specific credentials that are related to providing the proposed services of the RFP.

* 1. **Certificate of Insurance**

Bidders must provide a certificate of insurance on a standard ACORD form (or the equivalent) evidencing the Bidder’s general liability, professional liability and any other relevant liability insurance policies that might be associated with the proposed services.

**Section III Proposed Services** (File #3)

* 1. **Services to be Provided**

Discuss the Scope of Services referenced above in Part II of the RFP and what the Bidder will offer. Give particular attention to describing the methods and resources you will use and how you will accomplish the tasks involved. Also, describe how you will ensure expectations and/or desired outcomes as a result of these services will be achieved. If subcontractors are involved, clearly identify the work each will perform.

* 1. **Implementation - Work Plan**

Provide a realistic work plan and schedule for the implementation of the program through the first lease period, assuming BGS provides a preliminary notice to proceed on January 1, 2024. Display the work plan in a timeline chart. Concisely describe each program development and implementation task, the month it will be carried out and the person or position responsible for each task. If applicable, make note of all tasks to be delegated to subcontractors.

**Section IV Cost Proposal** (File #4)

* 1. **General Instructions**
     1. Bidders must submit a cost proposal that covers the period starting January 1, 2024 and ending on the twentieth anniversary of COD.
     2. The cost proposal must include the costs necessary for the Bidder to fully comply with the lease terms, conditions, and RFP requirements.
     3. No costs related to the preparation of the proposal for the RFP, or to the negotiation of the lease with BGS, may be included in the proposal. Only costs to be incurred after the lease effective date that are specifically related to the implementation or operation of contracted services may be included.
  2. **Cost Proposal Form Instructions**

Bidders must fill out **Appendix D** (Cost Proposal Form) using the attached Microsoft Excel form, following the instructions detailed here and in the form. Failure to provide the requested information, and to follow the required cost proposal format provided, may result in the exclusion of the proposal from consideration, at the discretion of BGS.

Pricing is required for the base option of a 1.99 MW array at the Site. To submit pricing for the base option, Bidder must fill out Row 12 on the ‘Price Proposal’ tab of the Microsoft Excel form in Appendix D. The Department shall retain all RECs generated by the Project and will serve as the sole offtaker for NEBCs produced by the Project under CMP’s NEB Tariff Rate Program. In Row 12 on the ‘Price Proposal’ tab, Bidder must specify the proposed nameplate system capacity (measured in direct current), estimated solar generation expected in year one of operations, annual generation degradation, Bidder’s proposed annual production guarantee (measured as a percentage of estimated year one generation, with annual degradation applied thereafter).

In Columns I and J on the ‘Price Proposal’ tab, Bidder must specify the proposed purchase price in year one of operations and any annual price escalator (if applicable) for the 20-year NEBCA term. The proposed pricing must reflect that the selected Bidder shall owe the Department a lump sum payment of ($255,667) upon execution of the Land Lease but no other ongoing lease payments. In addition to the fixed purchase pricing, Bidders may also propose a NEBC discount option for the Department in Column L on the ‘Price Proposal’ tab. The discount option shall reflect the Department retaining a fixed percentage of the NEBC value allocated to the State’s chosen electric account(s) and shall not include a minimum floor for the NEBC value.

In addition to submitting pricing for the required 1.99 MW base option, Bidders may also submit pricing for a 4.98 MW array at the Site. This is an additional alternative option BGS and the Department are requesting. To propose pricing for this option Bidder should fill out Row 13 on the ‘Price Proposal’ tab of the Microsoft Excel form.

For each proposed purchasing option, Bidder must fill out Column C on the ‘Buyout Pricing’ tab of the Microsoft Excel form. If Bidder is not offering a buyout option for certain lease years, leave the corresponding cell(s) blank.

**PART V PROPOSAL EVALUATION AND SELECTION**

Evaluation of the submitted proposals will be accomplished as follows:

1. **Evaluation Process - General Information**
   1. An evaluation team, composed of qualified reviewers, will judge the merits of the proposals received in accordance with the criteria defined in the RFP.
   2. Officials responsible for making decisions on the award selection will ensure that the selection process accords equal opportunity and appropriate consideration to all who are capable of meeting the specifications. The goals of the evaluation process are to ensure fairness and objectivity in review of the proposals and to ensure that the lease is awarded to the Bidder whose proposal provides the best value to the State of Maine.
   3. BGS reserves the right to communicate and/or schedule interviews/presentations with Bidders, if needed, to obtain clarification of information contained in the proposals received. BGS may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. Changes to proposals, including updating or adding information, will not be permitted during any interview/presentation process and, therefore, Bidders must submit proposals that present their rates and other requested information as clearly and completely as possible.
2. **Scoring Weights and Process**
   1. **Scoring Weights:** The score for Project proposals will be based on a 100-point scale. The score will measure the degree to which each proposal meets the following criteria.

**Section I. Preliminary Information (No Points – Eligibility Requirements)**

Includes all elements addressed above in Part IV, Section I.

**Section II. Organization Qualifications and Experience (25 points)**

Includes all elements addressed above in Part IV, Section II.

**Section III. Proposed Services (25 points)**

Includes all elements addressed above in Part IV, Section III.

**Section IV. Cost Proposal (50 points)**

Includes all elements addressed above in Part IV, Section IV.

* 1. **Scoring Process:** For proposals that demonstrate meeting the eligibility requirements in Section I, the evaluation team will use a consensus approach to evaluate and score Sections II & III above. Members of the evaluation team will not score those sections individually but, instead, will arrive at a consensus as to assignment of points for each of those sections. Sections IV, the Cost Proposal, will be scored as described below.
  2. **Scoring the Cost Proposal:** The proposed solar PV service will be assigned a score according to a mathematical formula.

Each Bidder’s price proposal for the Project will be assigned a score according to the proposal’s projected 20-year net present value to the Department. BGS will determine the net present value of each proposal in collaboration with an independent consultant by considering proposed purchase pricing (including RECs) and the consultant’s forecasted NEBC values. The highest scoring bid will be awarded 50 points. Proposals with lower scores will be awarded proportionately fewer points calculated in comparison with the highest scoring bid.

* 1. **No Best and Final Offers**: The State of Maine will not seek or accept a best and final offer (BAFO) from any Bidder in this procurement process.  All Bidders are expected to provide their best value pricing with the submission of their proposal.
  2. **Negotiations:** BGS reserves the right to negotiate with the awarded Bidder to finalize a lease. Such negotiations may not significantly vary the content, nature or requirements of the proposal or BGS’ Request for Proposal to an extent that may affect the price of goods or services requested. BGS reserves the right to terminate lease negotiations with an awarded Bidder who submits a proposed lease significantly different from the proposal they submitted in response to the advertised RFP. In the event that an acceptable lease cannot be negotiated with the highest ranked Bidder, BGS may withdraw its award and negotiate with the next-highest ranked Bidder, and so on, until an acceptable lease has been finalized. Alternatively, BGS may cancel the RFP, at its sole discretion.

1. **Selection and Award**
   1. The final decision regarding the award of the lease will be made by representatives of BGS.
   2. Notification of conditional award selection or non-selection will be made in writing by BGS.
   3. Issuance of the RFP in no way constitutes a commitment by the State of Maine to award a lease, to pay costs incurred in the preparation of a response to the RFP, or to pay costs incurred in procuring or contracting for services, supplies, physical space, personnel or any other costs incurred by the Bidder.
   4. BGS reserves the right to reject any and all proposals or to make multiple awards.
   5. This RFP is administered by BGS pursuant to Title 5, ch. 153 (Public Improvements).

**PART VI LEASE ADMINISTRATION AND CONDITIONS**

1. **Lease Document**
   1. The awarded Bidder will be required to execute a State of Maine Lease Agreement appropriate riders as determined by BGS.
   2. The State recognizes that the actual lease effective date depends upon completion of the RFP process, date of formal award notification, and length of lease negotiation. Any appeals to BGS’ award decision(s) may further postpone the actual lease effective date, depending upon the outcome. The lease effective date listed in the RFP may need to be adjusted, if necessary, to comply with mandated requirements.
   3. In providing services and performing under the lease, the awarded Bidder must act as an independent contractor and not as an agent of the State of Maine.
2. **Standard State Lease Provisions**
   1. Lease Administration

Following the award, a Lease Administrator from BGS will be appointed to assist with the development and administration of the lease and to act as administrator during the entire lease period. BGS staff will be available after the award to consult with the awarded Bidder in the finalization of the lease.

* 1. Payments and Other Provisions

The State anticipates paying the contractor on the basis of net 30 payment terms, upon the receipt of an accurate and acceptable invoice. An invoice will be considered accurate and acceptable if it contains a reference to the State of Maine lease number, contains correct pricing information relative to the lease, and provides any required supporting documents, as applicable, and any other specific and agreed-upon requirements listed within the lease that results from the RFP.

**PART VII LIST OF RFP APPENDICES AND RELATED DOCUMENTS**

**Appendix A** – Proposal Cover Page

**Appendix B** – Debarment, Performance, and Non-Collusion Certification

**Appendix C** – Qualifications and Experience Form

**Appendix D** – Cost Proposal Form

**Appendix E** – Submitted Question Form

**Appendix F** – Notice of Intent to Bid Form

**Appendix G** – Maine State Prison Site Overview

**Appendix H** – Maine State Prison Interconnection Agreement and CMP Interconnection Impact Study

**Appendix I** – Maine State Prison Net Energy Billing Agreement

**Appendix J** – Maine State Prison Site Plan Review Application and Maine State Vernal Pool Assessment Form

**Appendix K** – Pollinator Seeding Plan

**Appendix L** – Land Lease and Purchasing Agreement Provisions

**APPENDIX A**

**State of Maine**

**Bureau of General Services**

**PROPOSAL COVER PAGE**

**RFP# 20231020**

**Maine State Prison Ground-Mounted Solar Project**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Bidder’s Organization Name:** | |  | | | |
| **Chief Executive - Name/Title:** | |  | | | |
| **Tel:** |  | | | **E-mail:** |  |
| **Headquarters Street Address:** | |  | | | |
| **Headquarters City/State/Zip:** | |  | | | |
| ***(Provide information requested below if different from above)*** | | | | | |
| **Lead Point of Contact for Proposal - Name/Title:** | | |  | | |
| **Tel:** |  | | | **E-mail:** |  |
| **Headquarters Street Address:** | |  | | | |
| **Headquarters City/State/Zip:** | |  | | | |

* This proposal and the pricing structure contained herein will remain firm for a period of 180 days from the date and time of the bid opening.
* No personnel currently employed by BGS or any other State agency participated, either directly or indirectly, in any activities relating to the preparation of the Bidder’s proposal.
* No attempt has been made, or will be made, by the Bidder to induce any other person or firm to submit or not to submit a proposal.
* The above-named organization is the legal entity entering into the resulting lease with BGS if they are awarded the lease.
* The undersigned is authorized to enter contractual obligations on behalf of the above-named organization.

*To the best of my knowledge, all information provided in the enclosed proposal, both programmatic and financial, is complete and accurate at the time of submission.*

|  |  |
| --- | --- |
| **Name (Print):** | **Title:** |
| **Authorized Signature:** | **Date:** |

**APPENDIX B**

**State of Maine**

**Bureau of General Services**

**DEBARMENT, PERFORMANCE, and NON-COLLUSION CERTIFICATION**

**RFP# 20231020**

**Maine State Prison Ground-Mounted Solar Project**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |

*By signing this document, I certify to the best of my knowledge and belief that the aforementioned organization, its principals and any subcontractors named in this proposal:*

1. *Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from bidding or working on contracts issued by any governmental agency.*
2. *Have not within three years of submitting the proposal for this contract been convicted of or had a civil judgment rendered against them for:*
   1. *Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local government transaction or contract.*
   2. *Violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.*
3. *Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (b) of this certification.*
4. *Have not within a three (3) year period preceding this proposal had one or more federal, state, or local government transactions terminated for cause or default*.
5. *Have not entered into a prior understanding, agreement, or connection with any corporation, firm, or person submitting a response for the same materials, supplies, equipment, or services and this proposal is in all respects fair and without collusion or fraud. The above-mentioned entities understand and agree that collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.*

|  |  |
| --- | --- |
| **Name (Print):** | **Title:** |
| **Authorized Signature:** | **Date:** |

**APPENDIX C**

**State of Maine**

**Bureau of General Services**

## QUALIFICATIONS and EXPERIENCE FORM

**RFP# 20231020**

**Maine State Prison Ground-Mounted Solar Project**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |

|  |
| --- |
| **Present a brief statement of qualifications. Describe the history of the Bidder’s organization, especially regarding skills pertinent to the specific work required by the RFP and any special or unique characteristics of the organization which would make it especially qualified to perform the required work activities. You may expand this form and use additional pages to provide this information.** |
|  |

**APPENDIX C (continued)**

|  |
| --- |
| **Provide a description of projects that occurred within the past five years which reflect experience and expertise needed in performing the functions described in the “Scope of Services” portion of the RFP. For each of the project examples provided, a contact person from the client organization involved should be listed, along with that person’s telephone number and e-mail address. Please note that contract history with the State of Maine, whether positive or negative, may be considered in rating proposals even if not provided by the Bidder.**  *If the Bidder has not provided similar services, note this, and describe experience with projects that highlight the Bidder’s general capabilities.* |

|  |  |
| --- | --- |
| **Project One** | |
| **Client Name:** |  |
| **Client Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Brief Description of Project** | |
|  | |

|  |  |
| --- | --- |
| **Project Two** | |
| **Client Name:** |  |
| **Client Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Brief Description of Project** | |
|  | |

**APPENDIX C (continued)**

|  |  |
| --- | --- |
| **Project Three** | |
| **Client Name:** |  |
| **Client Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Brief Description of Project** | |
|  | |

**APPENDIX D**

**State of Maine**

**Bureau of General Services**

**COST PROPOSAL FORM**

**RFP# 20231020**

**Maine State Prison Ground-Mounted Solar Project**

**APPENDIX E**

**State of Maine**

**Bureau of General Services**

**SUBMITTED QUESTIONS FORM**

**RFP# 20231020**

**Maine State Prison Ground-Mounted Solar Project**

|  |  |
| --- | --- |
| **Organization Name:** |  |

|  |  |
| --- | --- |
| **RFP Section & Page Number** | **Question** |
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*\* If a question is not related to any section of the RFP, state “N/A” under “RFP Section & Page Number”.*

*\*\* Add additional rows, if necessary.*

**APPENDIX F**

**State of Maine**

**Bureau of General Services**

**NOTICE OF INTENT TO BID FORM**

**RFP# 20231020**

**Maine State Prison Ground-Mounted Solar Project**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Bidder’s Organization Name:** | |  | | |
| **Chief Executive - Name/Title:** | |  | | |
| **Tel:** |  | | **E-mail:** |  |
| **Headquarters Street Address:** | |  | | |
| **Headquarters City/State/Zip:** | |  | | |
| ***(Provide information requested below if different from above)*** | | | | |
| **Lead Point of Contact for Proposal - Name/Title:** | | |  | |
| **Tel:** |  | | **E-mail:** |  |
| **Headquarters Street Address:** | |  | | |
| **Headquarters City/State/Zip:** | |  | | |

|  |  |
| --- | --- |
| **Solar PV Service** | **Select Yes if Intent to Bid** |
| **Maine State Prison (the Project)** | **Yes** |

|  |  |
| --- | --- |
| **Signature of person authorized to enter into the lease with BGS:** | |
| **Name (Print):** | **Title:** |
| **Authorized Signature:** | **Date:** |

**APPENDIX G**

**State of Maine**

**Bureau of General Services**

**MAINE STATE PRISON SITE OVERVIEW**

**RFP#20231020**

**Maine State Prison Ground-Mounted Solar Project**



Aerial view of a golf course

Description automatically generated with medium confidence

A picture containing outdoor, grass, sky, tree

Description automatically generated