

**TOWN OF BERLIN  
REQUEST FOR QUALIFICATIONS**

Notice is hereby given that qualifications will be received by the Town of Berlin, Maryland for:

**RFQ # 2015 – 4  
Community Solar Garden:  
Design, Build, Finance, Operate and Maintain**

by filing with the Town of Berlin, 10 William Street, Berlin, MD, 21811 until:

**Date: November 16, 2015**

**Time: 3:00 P.M. EST**

**Deliver submittals to:**

Laura Allen, Town Administrator  
Town of Berlin  
10 William St.  
Berlin, MD. 21811  
Attn: RFQ 2015 – 4

The Town of Berlin owns and operates a municipal electric utility consisting of a distribution system and a diesel-fired generation station. The Town of Berlin is considering developing a Community Solar Garden to be operated in synchronization with the municipal electric utility. Residents and commercial enterprises in the Town will be invited to provide up front financing in the form of a subscription or lease of a portion of the output of the Community Solar Garden in exchange for a credit on the customers' electric bill. The Community Solar Garden would consist of a project approximately 100 kW to 500 kW in size and would be located on Town of Berlin property at 113 Schoolfield St., Berlin, MD 21811. The property is not presently used by the Town but it is under the management of the municipal electric utility department. The Town is seeking qualifications from entities that are qualified to design, build, finance, operate and maintain the Community Solar Garden.

A detailed Request for Qualifications (RFQ) including general information, requested services, submittal requirements, and evaluation process is described below.

Qualifications submitted after the due date will not be considered. Proposers accept all risks of late delivery of mailed submittals regardless of fault.

The Town of Berlin reserves the right to reject any and all submittals and to waive irregularities and informalities in the submittal and evaluation process. This RFQ does not obligate the Town to pay any costs incurred by respondents in the preparation and submission of their statement of qualifications. Furthermore, the RFQ does not obligate the Town to accept or contract for any expressed or implied services.

It is the Town of Berlin's policy to assure that no person shall, on the grounds of race, color, national origin or sex, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its federally funded programs and activities.

The Town is committed to a program of equal employment opportunity regardless of race, color, creed, sex, age, nationality, disability, or sexual orientation. The successful consultant must comply with the Town of Berlin's equal opportunity requirements.

### **General Information**

**ABOUT BERLIN:** The Town of Berlin is a community of 4,500 people located on Maryland's eastern shore. The Town operates under a Strong Mayor form of government. Berlin provides the following services to the community's residents: police, public works, parks, water, wastewater, storm-water, electricity, economic development, planning, code enforcement, engineering (under contract), and general administration. The Town's electric system consists of 2,400 meters and annual sales of approximately 41,000,000 kWh. The electric utility is regulated by the Maryland Public Service Commission. The Town operates on a one-year budget cycle from July 1 through June 30.

**NOTICE:** Notice is hereby given that letters of interest and statement of qualifications will be received by the Town of Berlin, Maryland for *Community Solar Garden: Design, Build, Finance, Operate and Maintain* by filing with the Town at the above location.

**PURPOSE/BACKGROUND:** The Town of Berlin, Maryland (the "Town") is soliciting requests for qualifications for the purpose of identifying the three best qualified entities to make specific proposals for the design, building, financing, operation and maintenance of a Community Solar Garden. The three successful proposers will be invited to make specific proposals in response to a Request for Proposals to be developed by the Town.

This RFQ is the first step of a two-step procurement process that will result in the selection of a shortlist of the three most qualified entities based on the evaluation criteria included in this RFQ who will be invited to participate in the second step of the process. During the second step, the successful entities will respond to a Request for Proposals (RFP) with submission of specific design, building, financing, O&M proposals, and price proposals in accordance with the requirements of the RFP. Depending upon whether Town-financing or private financing provides the best value for the Town, the Town of Berlin anticipates entering into either (1) a contract for the design, building, and O&M of the Community Solar Garden ("Contract") to be owned by the Town; or (2) a Power Purchase Agreement ("PPA") with the winning entity. The Contract or the PPA will be awarded to the shortlisted entity that provides the best value as defined in the RFP.

**QUALIFICATIONS:** These services will require the firm to have the following qualifications:

- Five (5) or more years of related experience
- Experience working with Maryland municipal entities on similar projects; or if not available, experience working with municipal utilities or rural electric cooperatives in other states.

### **SUBMITTAL REQUIREMENTS:**

Responses to this RFQ must include the following information:

- A cover letter/statement of interest indicating the firm's interest in the project and highlighting its qualifications to perform this project. A summary of firm's experience in requested service areas.
- A description of the firm's experiences working with municipal government.
- List of proposed sub-consultants (if applicable);

- Statement of qualifications, including related experience with similar types of projects and specific qualifications as well as resumes of key team members.
- Up to three (3) examples of similar projects.
- A minimum of three (3) references relating to completed projects for the services being requested with full name, title, address, phone and fax numbers.
- Double sided printing is required.
- Original signatures are required.
- General outline of a recommended approach for a Community Solar Garden addressing the issues in the following numbered paragraphs and setting forth a cost estimate using either:
  - The Town-owned option: installed cost per kW plus annual O&M **OR**
  - Third Party owned option: PPA price per kWh.

1. Financing/Ownership Considerations. As a tax exempt municipal government the Town is unable to take advantage of federal tax exemptions for solar construction. The Town is able, however, to take advantage of other tax preferred debt issuances such as Build America Bonds and Clean Energy Renewable Bonds, to the extent such are available from the federal government. Other preferred financing tools may be available through the State of Maryland such as the Clean Energy Grants Program. <  
<http://energy.maryland.gov/Business/cleanenergygrants/index.html>>  
**Proposers are asked to analyze and recommend whether Town ownership or third-party ownership is the best value alternative for the Town of Berlin’s customers.**
  
2. Size of the Project, type of equipment. **Proposers are asked to analyze the sun exposure and characteristics of the property and to recommend the optimal equipment and size (kW) for the project.**
  
3. Community Pre-purchase participation and Bill Credits without invoking federal securities laws. One of the chief objectives of this project is to provide a more efficient alternative to rooftop solar for residents of the Town that wish to purchase “green” energy. Rooftop solar is prohibitively expensive for many residents, and it is difficult for the Town to manage its system if too many disparate rooftop systems are installed. Accordingly, the Town seeks providers that are experienced with the “shared” or pre-purchased-panel form of community solar used, for example, by the Roanoke Cooperative <<http://roanokeelectric.com/CommunitySolar>> and the PeeDee Electric Cooperative <<http://www.pdemc.com/content/pee-dee-solar>>. The “shared” or subscribed solar panels will be sold only to Town of Berlin electric utility customers so as to avoid federal security regulations. *See Shared Solar: Current Landscape, Market Potential, and the Impact of Federal Securities Regulation*, National Renewable Energy Laboratory, U.S. Department of Energy, NREL/TP-6A20-63892, April 2015. In exchange for pre-purchasing or subscribing to the project, the Town electric customers will receive a credit on their Town electric bill that represents their share of the output of the Community Solar Garden. **Proposers are asked to analyze the best size of the individual subscriptions, to estimate price per kWh impacts associated with various ranges of customer pre-purchase participation.**
  
4. Renewable Energy Credits (“RECS”). Berlin has a RECS requirement imposed by the State of Maryland on its municipal utility function. RECs may be used to either provide revenue to the project to reduce its costs, or may be taken in-kind by Berlin to satisfy its RECS requirements. **Proposers are asked to analyze and recommend the best value alternative for the Town of Berlin.**

5. Interconnection Requirements. The project will be interconnected with and synchronized to the Town of Berlin electric distribution system. Berlin abides by small generator interconnection requirements as set forth in Maryland Code of Regulations, COMAR §20.50.09 (2015), Small Generator Interconnection Standards, and application forms are included in Berlin's tariff. The relevant sections are attached. **Proposers are asked to analyze and describe the recommended interconnection equipment and cost thereof.**
6. Form of PPA and Lease; contract term. If third party ownership is chosen, Berlin and the owner must agree upon an easement and/or lease agreement as well as a Purchased Power Agreement ("PPA"). Berlin has attached a form of PPA and a Form of Lease Agreement in Word format to facilitate editing. **Proposers are asked to review and provide comments on the attached PPA/lease or to provide alternate standard form contracts for Berlin consideration. Proposers are asked to suggest a term of years for the lease/PPA and to provide an estimated price per kWh for the output.**
7. Form of Design/Build Contract. If Berlin ownership is chosen, Berlin and the solar developer must agree upon a design/build contract. Berlin has attached the required terms and conditions of a construction contract prepared by the GSA of the State of Maryland. **Proposers are asked to review and provide comments on the attached terms and conditions and to provide a standard form of contract for Berlin consideration. Proposers are asked to provide an estimated installed cost per kW for the completed project and to provide an estimated cost of O&M per kWh for at least a twenty year period.**
8. Schedule. The Town of Berlin is mindful of the expiration in December 2016 of federal energy tax credits for privately owned solar projects. The Town is committed to moving the project forward in a timely manner so as to take advantage of such credits if possible. **Proposers are asked to analyze and propose a timeline that provides the best value for the Town and its customers.**
9. Other. Proposers are asked to describe other significant cost elements of a final project not already discussed in the response.

Five (5) copies of the proposal must be submitted.

• **PROPRIETARY PROPOSAL MATERIAL:** Any proprietary information revealed in the proposal should, therefore, be clearly identified as such.

• **SIGNATURES:** Proposal shall be signed by one of the legally authorized officers of said corporation. If awarded the contract, the Contract shall also be so executed.

• **EVALUATION CRITERIA:** Evaluations will be based on the criteria listed below:

- Experience of firm with similar projects
- Experience of proposed project team and key team members
- Overall quality of statement of qualifications
- Project understanding
- Anticipated project cost

The Town may select a limited number of consultants for in-person interviews before a selection committee.

- **SITE VISIT:** The property is available for a site visit on Wednesday, October 28, 2015 from noon until 4 pm. Proposers must check in at the Berlin Electric office before touring the property.

- **QUESTIONS:** Questions regarding this project may be directed to Laura Allen via e-mail at [lallen@berlinmd.gov](mailto:lallen@berlinmd.gov). Any oral communications or communications with any other individuals or agents of the Town will be considered unofficial and non-binding on the Town.

The deadline for questions is 3 pm on October 30, 2015. Answers to all questions will be posted to the Request for Proposals section of the Town's website – <http://berlinmd.gov/maryland-government/request-for-proposals/> - by 5 pm on November 6, 2015.

- **REJECTION OF SUBMITTALS:** The Town reserves the right to reject any and all submittals and to waive irregularities and informalities in the submittal and evaluation process when it is in the best interests of the Town. The Town will not consider bids from a vendor who has an overdue balance on a Town account. The reason for the rejection shall be made part of the formal bid file.

- **NO OBLIGATION:** This RFQ does not obligate the Town to pay any costs incurred by respondents in the preparation and submission of their qualifications. Furthermore, the RFQ does not obligate the Town to accept or contract for any expressed or implied services.

- **CONTRACT AWARD:** The Town reserves the right to make an award without further discussion of the submittals. The Town anticipates selecting the three best qualified entities to participate in an RFP process. The RFP process shall result in the award of a design/build contract or a PPA, depending on the financing option chosen. The Town shall not be bound, or in any way obligated, until both parties have executed a Contract. No party may incur any chargeable costs prior to the execution of the final Contract.

- **CONTRACT NEGOTIATION:** The Town reserves the right to negotiate all elements of the submittals, proposals, terms and conditions, and/or scope of work as part of the contract negotiation process prior to any formal authorization of the Contract or PPA by the Town.

- **EQUAL OPPORTUNITY EMPLOYMENT:** The successful entity or entities must comply with the Town of Berlin equal opportunity requirements. The Town of Berlin is committed to a program of equal employment opportunity regardless of race, color, creed, sex, age, nationality or disability.

- **TITLE VI:** It is the Town of Berlin's policy to assure that no person shall, on the grounds of race, color, national origin or sex, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its federally funded programs and activities.

- **INSURANCE REQUIREMENTS:** The entity shall procure and maintain for the duration of the Contract or PPA insurance against claims for injuries to persons or damages to property, errors and omissions or professional liability that may arise from or in connection with the performance of work hereunder by the entity, its agents, representatives, employees or subcontractors. The cost of such insurance shall be paid by the entity.

• **NON-ENDORSEMENT:** As a result of the selection of a firm to supply products and/or services to the Town, firm agrees to make no reference to the Town in any literature, promotional material, brochures, sales presentation or the like without the express written consent of the Town.

• **COMPLIANCE WITH LAWS AND REGULATIONS:** In addition to nondiscrimination and affirmative action compliance requirements previously listed, the consultant or consultants ultimately awarded a contract shall comply with federal, state and local laws, statutes and ordinances relative to the execution of the work. This requirement includes, but is not limited to, protection of public and employee safety and health; environmental protection; waste reduction and recycling; the protection of natural resources; permits; fees; taxes; and similar subjects.