

**REQUEST FOR PROPOSALS  
TO DEVELOP A  
12 MW PHOTOVOLTAIC SOLAR ENERGY PROJECT  
FOR MARIN CLEAN ENERGY**

**Issued by: Marin Clean Energy**

**October 20, 2014**

**Responses due by: 3:00 p.m. on 11/21/2014**

**To: Greg Brehm, Director of Power Resources  
Marin Clean Energy  
781 Lincoln Ave, suite 320  
San Rafael, CA 94901  
[\(415\) 464-6037](tel:4154646037)**

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## PROJECT INFORMATION

### 1. MCE OVERVIEW

Marin Clean Energy (MCE) is a public, not-for-profit electricity provider that gives residential and business customers the choice of having 50% to 100% of their electricity supplied from clean, renewable sources such as solar, wind, bioenergy, geothermal and hydro at competitive rates. By choosing MCE, customers help support new in-state and locally developed renewable generating capacity.

Created in 2008, MCE is California's first Community Choice Aggregation (CCA) program and successfully launched service to its customers on May 7, 2010. As a CCA program, MCE partners with Pacific Gas & Electric Company (PG&E) to provide billing and electric delivery services while MCE plans for and procures the various energy products that are delivered to its customers. MCE currently serves approximately 125,000 customers in its service area, which includes Marin County and the City of Richmond; service expansion to the County of Napa, the City of San Pablo and the City of Benicia is planned to commence during the 2015 calendar year.

MCE is governed by a thirteen-member Board of Directors representing each of the participating jurisdictions which include the City of Belvedere, Town of Corte Madera, Town of Fairfax, City of Larkspur, City of Mill Valley, City of Novato, City of Richmond, Town of Ross, Town of San Anselmo, City of San Rafael, City of Sausalito, Town of Tiburon, and the County of Marin. Following expansion to the aforementioned municipalities, one elected official from each new jurisdiction will be added to MCE's governing board.

MCE's mission is to address climate change by reducing energy related greenhouse gas emissions and securing energy supply, price stability, energy efficiencies and local economic and workforce benefits. It is the intent of MCE to promote the development and use of a wide range of renewable energy sources and energy efficiency programs, including but not limited to solar and wind energy production at competitive rates for customers.

A key component of fulfilling the MCE mission entails the development of locally situated renewable generating resources. Completion of such projects is facilitated through the administration of a Feed-In Tariff program, Net Energy Metering rate options and solicitations for local renewable project development, including this Request for Proposals (RFP).

### 2. PROJECT BACKGROUND & INSTRUCTIONS

MCE's recently secured a land option and lease agreement with Chevron Products Company (Chevron or CPC) to lease a 60 acre brownfield site at Chevron's Richmond Refinery for the purpose of developing a new, solar photovoltaic (PV) electricity generating facility of up to twelve (12) megawatts (MW) to supply a portion of the future renewable electric energy requirements of MCE customers. MCE is in the process of completing feasibility assessments and preliminary civil engineering design and survey work. In addition, MCE has submitted interconnection applications with PG&E (see Attachments) for (i) 2 MW Fast Track distribution level interconnection and (ii) 10 MW Wholesale Distribution Access Tariff (WDAT) interconnection.

Respondent will assume responsibility for any additional civil engineering not provided prior to acceptance of its proposal.

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Unless otherwise agreed, Respondent will assume responsibility for completing the electrical interconnection application process upon completion and acceptance of the facility impact study provided by the distribution provider, PG&E, or other interconnection study process acceptable to all parties. MCE will be responsible for all interconnection study deposits.

Respondent will not be responsible for any environmental studies. The project is exempt from the California Environment Quality Act (CEQA) under a City of Richmond Ordinance

The purpose of this RFP is to identify a qualified firm that is capable of designing, developing, constructing, financing, operating and maintaining cost-effective PV solar facilities ("Facilities" or "Project") at the designated site in the city of Richmond, California. Interested Respondents are invited to bid on the following scope of services:

- Design Services
- Comprehensive Development services
- Final System Engineering
- Electrical Interconnection completion
- Financing Services
- Materials Procurement
- Construction/Installation Services

Prospective Respondents must bid on the entire scope of services identified in this RFP. To the extent that partnerships and/or teaming arrangements are necessary to complete the noted scope of services, such arrangements must be fully identified and described as specified in this RFP. This RFP is intended to identify a qualified firm to support each of the elements noted above, resulting in the successful development of a PV solar generating facility at Chevron's Richmond Refinery. When evaluating responses, MCE will consider various proposals, including but not limited to, direct purchase under a "turnkey" development arrangement, power purchase agreement with specified MCE buyout provisions, and other cost-effective options.

The site, along with key site data has been summarized and organized in Attachment A – Site Summary. Site assessments were performed by independent consultants under separate agreements, and site details are included in Attachments B1, B2. MCE has strived to ensure that documents and information included in this RFP are accurate and complete, but errors and omissions may have occurred. MCE makes no representations with respect to the sites, including their suitability for this development project. Respondents are solely responsible for conducting any necessary due diligence in assessing the development sites prior to developing proposals. A site visit is scheduled for November 5, 2014 at 10:00 am at the Chevron Richmond Refinery. A site visit is recommended, but not mandatory. The address of the Chevron Richmond Refinery is                     .

Respondents may submit proposals for a minimum of two (2) MWs up to a maximum twelve (12) MWs of PV solar capacity at the site. ***For each proposal, Respondents may propose either (i) MCE's initial ownership of a turnkey PV solar project, to be completed by Respondent, or (ii) a Power Purchase Agreement with an ownership option (with preference given to a fixed or otherwise determinable option price).*** Proposals must be submitted using the form(s) provided in Attachment D, which include input cells for both direct purchase and Power Purchase Agreements and must include individual site pricing

**Technical requirements:** Respondents must comply with all technical requirements as specified in Attachment C and are expected to utilize industry best practices in responding to this RFP and in performing their responsibilities under a contract with MCE. Proposed pricing must reflect conformance with all technical

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requirements in Attachment C, and must also address foreseeable construction issues, including those identified in Attachments B1-B3 and in optional site walks. Respondents will be required to acquire Building Permits and, where applicable, local business licenses, before starting construction.

**Contracting and Bonding requirements:** MCE's General Contracting Conditions have been included in this RFP in Attachment F. Also included in Attachment F are general terms and conditions (or links for them) for Participants who submitted additional documentation. For Participants without individual terms and conditions, Respondents shall assume high similarity with the MCE's General Contracting Conditions, though significant variations may exist. Unless stated otherwise in Attachment F, Respondents shall assume that MCE will require Payment and Performance Bonds during construction. Key PPA terms have also been identified and included in Attachment F. These terms are expected to be acceptable to all Participants, but further negotiations of these points may be required.

**Insurance requirements:** Respondents must comply with MCE's insurance requirements. Attachment G provides the MCE's requirements).

**Pricing and assumptions:** As part of the requirements specified in this RFP, Respondents should clearly and completely describe any assumptions that may be used when determining project and/or PPA pricing, including but not limited to the following:

1. In the case of an offer of initial ownership to MCE, a purchase price at commercial operation date (COD) shall be specified (and expressed as \$/kW) along with an estimate of all recurring owner costs, including but not limited to operation and maintenance costs, taxes, and insurance
2. Utility rate escalation rate: assume 2% annually, if any;
3. MCE's avoided cost of energy/RPS-eligible renewable energy: assume \$85.00/ MWh;
4. Respondent's rate(s) of return for various sources of funding required to complete the project;
5. Anticipated interconnection costs – actual interconnection costs will be used in place of such estimates, once identified and agreed upon with the interconnection authority.
6. Construction start date: June 2016 (required assumption); and
7. Financial model: assume that the Respondent will provide an unlocked/non-redacted, working version of the financial model used for purposes of completing this project, including the explicit identification of any rate of return anticipated by the Respondent. Such model shall be provided to MCE in MS Excel format. Respondents should be prepared to discuss the aforementioned model with MCE, explaining any/all assumptions and/or computations included therein.

**Contracting:** Respondents to this RFP acknowledge that MCE does not guarantee the award of any contract or work related to this solicitation process. MCE may, at its sole discretion, terminate, modify or suspend this solicitation process without notice. Respondents are encouraged to periodically visit MCE's website for additional information regarding prospective changes to this process.

**Local Workforce:** MCE is interested in providing benefits to the local economy through clean energy job creation. Respondents should describe their approach to maximizing local hiring at a minimum level of 50%, including the management of the anticipated local hiring process and prior experience with local hiring. Specific requirements, where applicable, must also be followed as described in Attachment H.

## **2. RFP PROCESS AND INFORMATION**

This RFP documents, including addenda, will be posted on the MCE website: <http://www.mcecleanenergy.org/>. To request information or be notified of any addenda, please contact Greg Brehm **via e-mail only** at [gbrehm@mcecleanenergy.org](mailto:gbrehm@mcecleanenergy.org). In your inquiry, please include the following information: Company Name, Contact Person, Mailing Address, valid e-mail address, and telephone number.

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Following is the RFP selection process timetable, subject to change at the MCE's sole discretion:

10/21/14: RFP issued  
11/5/14 @ 10:00 A.M. PPT: Respondent site walks at Chevron Richmond Refinery  
11/7/14: Deadline for question submittal  
11/12/14: MCE to post responses to Respondent questions  
11/21/14: Deadline for Submittal of Proposals  
12/1/14 through 12/5/14: Respondent interviews  
12/12/14: Selection of firm  
12/15/2014: Commence contract negotiations  
January - February 2014: Contract Presented for Approval

**RFP Due Date:** MCE shall receive, no later than **3:00 p.m. PPT on 11/21/2014** a sealed envelope or box with three (3) electronic CD/DVD/flash drive copies of the completed submittal documents as defined below. Materials shall be submitted to **Greg Brehm, Director of Power Resources, 781 Lincoln Ave, Suite 320, San Rafael, CA 94901**. Where noted, all responses shall utilize forms provided in this RFP.

**Requests for Information:** Respondents may submit questions and request clarifications related to this RFP via e-mail (no telephone contact in this regard) to [gbrehm@mcecleanenergy.org](mailto:gbrehm@mcecleanenergy.org) no later than 5:00 p.m. PPT on November 7, 2014. All questions will be compiled and related responses will be publicly posted (no confidential questions) on MCE's website on/around November 12, 2014.

**Proposal Interviews:** Between December 1<sup>st</sup> and December 5<sup>th</sup>, 2014, MCE may conduct individual interviews with certain Respondents. Such Respondents will be contacted directly by MCE for purposes of scheduling meeting dates and times.

The primary purposes of the Respondent interviews will be to confirm information provided in certain proposals and to allow Respondents the opportunity to address MCE's questions, providing clarifying details as necessary. Each Respondent shall include key personnel in such interviews. Respondents may bring presentations and/or supporting materials to these interviews.

Upon completion of interviews and proposal evaluations, MCE shall notify the Respondents of its Intent to Award for the noted project. The Respondent receiving the Intent to Award shall then enter into contract negotiations with MCE, its agents, and representatives, as described in this RFP. If negotiations with the selected Respondent are terminated, other short-listed Respondents may be contacted in an effort to develop the proposed project.

**Award:** Any contract for the Facilities will be awarded to the qualified Respondent that is able to deliver terms that provide the "best value" to MCE and its customers and MCE reserves the right to make an award, at its sole discretion, irrespective of price or technical ability, if MCE determines that to do so would result in the greatest value to MCE and its customers. MCE reserves the right to reject any or all proposals or any part of an **individual** proposal; to waive any irregularity in any proposal and to determine which proposal, in its sole judgment, best meets the needs of MCE and its customers.

**Confidentiality:** MCE will maintain the confidentiality of the information and documents provided by Respondents during the negotiation process. In the event a third party requests these confidential records, MCE will notify the affected Respondent, and it shall be the Respondent's responsibility to defend MCE in any action that may compel disclosure of the Respondent's confidential information.

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**Prevailing Wage Requirements and Other Requirements:** Respondents are notified and informed that they will be subject to and must comply with all of the requirements under the California Labor Code to pay the general prevailing rate of per diem wages and for holiday and overtime work to all workers employed by the Respondent. Copies of prevailing rates of per diem wages are available from the Department of Industrial Relations, State of California. Respondents and any subcontractors shall comply with all federal, state and local laws and regulations applicable to the performance of the work hereunder, including but not limited to, the California Building Code, local building codes, utility interconnection regulations, the Americans with Disabilities Act, and any copyright, patent or trademark law. A Respondent's failure to comply with any law(s) or regulation(s) applicable to the performance of the work hereunder shall constitute a breach of contract.

The RFP specifications, terms, conditions, Attachments, and any addenda, as well as the Respondent's proposal may all be incorporated into and made a part of any contract that may be awarded as a result of this RFP.

### 3. SUBMITTAL REQUIREMENTS

Each Respondent must conform with and be responsive to the submittal requirements established by MCE in this RFP. Any deviation from the standard application forms (where applicable) or failure to provide the required information will be considered non-responsive and grounds for rejection of the proposal. MCE reserves the rights to reject any or all proposals and to waive any irregularities in any responses received, at its sole discretion.

Format for proposal submittals must follow the guidelines established below:

**Section 1.** Executive Summary, to include: high-level description of the project management approach, proposed PV systems, financing methods, professional background of company and project team, and description of relevant experience with equivalent projects.

**Section 2.** Preliminary system designs, to adhere to design specifications in Attachment C, and to include:

- Site overview with module layout, including proposed azimuth and tilt.
- Preliminary Single-line electrical diagram.
- Product spec sheets for proposed racking, modules, inverters, and monitoring.
- Product warranty information for proposed racking, modules, and inverter.

**Section 3.** Cost proposal for power purchase agreements and direct purchase of turnkey Facilities, including 20-year inverter warranties and payment of Prevailing Wages, which must be submitted on form included as Attachment D. Pricing for 20-year Operations and Maintenance shall be included as a separate line item, which will be evaluated separately from the direct purchase price. Pricing must include all aspects of providing a turn-key PV system and must address the requirements in Attachment C and foreseeable contracting and site conditions, including, but not limited to, those identified in Attachments B, F, G, and H, site walks, and RFP addenda, if any. Attachment D also requires the input and submittal of proposed system components and projected solar generation, which must match production detailed in the CSI EPBB calculator models submitted by Respondent, as described in Section 5 below.

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**Section 4.** If applicable, alternative financing option(s) beyond PPA and direct purchase. Describe terms and conditions, and indicate prospective costs and benefits to MCE (of proceeding with alternative financing). If not applicable, submit page stating “Not Applicable” in lieu of this Section 4.

**Section 5.** First-year system production estimates, as demonstrated and detailed by CSI EPBB calculator outputs (available online at <http://www.csi-epbb.com/default.aspx>). Production estimates shall accurately reflect location and proposed system specifications (components, azimuth, tilt, under-module clearance, etc.). Production estimates detailed in these calculator outputs must match information reflected in Attachment D, as noted in Section 3 above.

**Section 6.** Proposed schedule of construction, assuming Notice to Proceed issuance on January 15, 2016. If included as a Gantt chart, the schedule must also be submitted electronically as a PDF file.

**Section 7.** Description of plan for complying with local hiring policies and preferences, as detailed in Attachment H (as applicable and available). As noted in Section 1 of this RFP, MCE seeks to increase the local economic impacts associated with renewable project development by maximizing the use of local workforce.

**Section 8.** Description of relevant project experience for organizational team members and key personnel, during their time at the current firm. Description of the Development Team structure, including member firm addresses, contacts, and roles in the proposed project.

**Section 9.** Minimum of five (5) references for successfully completed projects of similar size and scope. Note that MCE may contact some or all of the provided references.

**Section 10.** Proof of valid and current Contractors license. Only Respondents with a California B, C-10 and/or C-46 Contractors license will be eligible to contract for the scope of work required to complete the Facilities.

**Section 11.** Installer safety record; claims history and judgments; and worker’s compensation experience modification rating from the past 3 years, and safety plan for this project.

**Section 12.** Signed reimbursement acknowledgment form (Attachment E). Insert additional sheets for listing exceptions or comments to Reimbursement Acknowledgement Form (Attachment E) and Key Contract Terms and Conditions (Attachment F).

**Section 13.** Template PPA contract, all related contracts and attachments.

**Section 14.** Completed Attachment J, Response checklist.

**Section 15.** Unlocked/non-redacted working financial model to be used by Respondent in evaluating this development opportunity.

**Section 16.** Additional supporting documents and financial information. Documents inserted here shall include: indications of financial strength, including credit ratings, if available, for Respondent and partner firms; indications of strength of proposed component manufacturers; explanations of pending lawsuits

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against the Respondent and partner firms; and any other documentation needed to clarify or augment the proposal.

**Cost of Proposal Development:** MCE shall not bear any financial responsibility for costs incurred by the Respondent in responding to this RFP or any subsequent proposal, whether or not the Respondent's proposal is successful, including the costs for bonding, legal costs (whatever the reason/purpose), site visitation costs, reproduction, postage/mailing and the like.

## 4. EVALUATION OF SUBMITTALS

**Requirements for Qualifications:** The RFP evaluation is solely for the purpose of determining which Respondents are deemed responsible, qualified, and able to offer the best value to MCE in developing and constructing the Facilities. Qualifications of applicants will be reviewed and determined by MCE based upon the submitted documents and any other information available to MCE. Respondents may be asked to submit additional information pertinent to the Facilities, or to be present for an interview. MCE also reserves the right to investigate and rely upon information from other available sources in addition to any documents or information submitted by the Respondent.

MCE retains sole discretion to determine issues of compliance and to determine whether a Respondent is responsive and responsible. MCE will determine a Respondent's quality, fitness and capacity to perform projects satisfactorily. Each submittal will be judged as a demonstration of the Respondent's capabilities of delivering the services requested with high quality and low total lifetime costs. Evaluation of the responses will be based on a competitive selection process, in which the evaluation of proposals will not be limited to price alone. MCE's decision will be based on the evaluation of several factors including but not limited to the following:

### Respondent Qualifications & Experience

- Strength of qualifications and experience of Respondent, including key personnel
- Strength of qualifications and experience of partner firms and key personnel
- Strength of project references, in regards to customer satisfaction, completion of projects equivalent to those included in this RFP, and success in maintaining project budgets and schedules
- Financial stability and proof of funding for these projects with proven financing track record

### Technical Proposal

- Projected energy production is realistic and appropriate for the Facilities
- Preliminary system design is appropriate for site needs and accounts for site conditions
- Module, inverter, racking, and monitoring components are high-quality, available, and have strong track record and warranty coverage, with stable and financially strong manufacturers

### Project Costs

- PPA levelized cost of energy over 20-year contract life
- Direct Purchase (turnkey) cost
- Operations & Maintenance costs over first 20 years of system life
- Financial analysis of total system costs and benefits, including possible rate schedule changes

### Implementation Plan and Schedule

Issued by Marin Clean Energy  
Chevron Solar PV Project

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- Project schedule is realistic
- Proposal is complete and addresses requirements and preferences stated in the RFP, addresses local workforce preferences, and demonstrates experience working with public agencies

## **Contract Terms & Conditions**

- Ability to work with posted PPA and Participant Terms and Conditions

Respondents are urged to review evaluation factors listed above and tailor the response in order to provide clarity in all areas including, but not limited to, financial options and cash flow analysis, technical design, projected system production, warranties, performance guarantees, and company experience.

## **5. TERMS AND CONDITIONS**

- Submission of a proposal constitutes acknowledgement that the Respondent has read and agrees to be bound by the terms and specifications of this RFP and any addenda subsequently issued by MCE.
- Those Respondents who submit proposals agree to do so without legal recourse against MCE, its directors, officers, employees, advisors, consultants and agents for rejection of their proposal(s) or for failure to execute or act on their proposal for any reason.
- Information in this RFP is accurate to the best of MCE's knowledge but is not guaranteed to be correct. Respondents are expected to complete all of their due diligence activities prior to entering into any final contract negotiations with MCE.
- MCE reserves the right, in its sole discretion, to decline to enter into any agreement with a Respondent, to terminate negotiations with any Respondent, to cancel this RFP at any time, reject any and all proposals and to waive irregularities, if any, and can choose to suspend this RFP or to issue a new RFP that would supersede and replace this RFP.
- MCE shall determine at its sole discretion the value of any and/or all proposals including price and non-price attributes.
- MCE reserves the right to submit follow up questions or inquiries to request clarification of information submitted and to request additional information from any one or more of the Respondents.
- MCE reserves the right, without qualification and in its sole discretion, to accept or reject any or all proposals for any reason without explanation to the Respondent, or to make any award to that Respondent, who, in the opinion of MCE, will provide the most value to MCE and its customers.
- MCE shall not be liable to any Respondent or party in law or equity for any reason whatsoever for any acts or omissions arising out of or in connection with this RFP.
- MCE shall not be liable for any costs incurred by any Respondents in preparing any information for submission in connection with this RFP process or any and all costs resulting from responding to this RFP. Any and all such costs whatsoever shall remain the sole responsibility of the Respondent.

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- MCE reserves the right to negotiate definitive agreements including but not limited to power purchase agreements and other agreements with Respondent with any and all terms and conditions that MCE deems appropriate or desirable, whether or not such terms or conditions are specifically set forth in this RFP.
- If there are any conflicts between the terms and conditions of the RFP and any applicable federal or local law or regulation, or any ambiguity related thereto, then the provisions of the applicable law or regulation shall control and it shall be the responsibility of the Respondent to ensure compliance.