

CHAIRWOMAN
Dianne Martin

COMMISSIONERS
Kathryn M. Bailey
Michael S. Giaimo

EXECUTIVE DIRECTOR
Debra A. Howland

STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION
21 S. Fruit St., Suite 10
Concord, N.H. 03301-2429

TDD Access: Relay NH
1-800-735-2964

Tel. (603) 271-2431

FAX No. (603) 271-3878

Website:
<http://www.puc.nh.gov>

REQUEST FOR PROPOSALS
RFP #2019-007, Renewable Energy Fund Low and Moderate Income
Community Solar Grants

Issue Date December 20, 2019

RENEWABLE ENERGY FUND

Grants for Community Solar Photovoltaic (PV) Projects Providing Direct
Benefits to Low and Moderate Income Residential Electric Customers

Executive Summary

Pursuant to RSA 362-F:10 X, the New Hampshire Public Utilities Commission (PUC or Commission) issues this Request For Proposals (RFP) seeking proposals for community solar photovoltaic (PV) projects that will provide direct benefits to New Hampshire low, moderate, or low and moderate income (LMI) residential electric customers who reside within the same electric distribution utility service territory. Proposals must present a comprehensive plan that clearly demonstrates and quantifies the net direct benefits to participating LMI customers. Projects or portions of projects that have requested funds from the Commission's Non-residential Competitive Grant Program, Commercial & Industrial (C&I) Renewable Energy Rebate Program, or Residential Renewable Electric Generation Incentive Program¹ are not eligible for funding under this solicitation.

Total funding available under this RFP will be \$900,000. The minimum grant request amount is \$75,000. The maximum grant request amount is \$300,000.

Electronic proposals must be received at the PUC prior to 4:30 p.m. on Friday, January 24, 2020.

Pertinent Dates and Information:

1. **Written Inquiries:** Respondents may submit written inquiries about this RFP by e-mail to: RFP@puc.nh.gov no later than 4:30 p.m. on Monday, January 6, 2020. The subject line of the e-mail should state the following: RFP #2019-007, REF LMI Community Solar Grants. No phone calls, please. It is highly recommended that respondents review the RFP as soon as

¹ Information available at <http://puc.nh.gov/Sustainable%20Energy/RenewableEnergyRebates.html>

possible and submit any questions to allow the Commission time to answer questions and to allow the respondent time to complete the proposal. Inquiries will be posted on the Commission's website at <https://www.puc.nh.gov/Sustainable%20Energy/RFPs.htm>. Please note that responses to questions are carefully considered. It may require several days before answers are posted. The Commission may consolidate and/or paraphrase questions for sufficiency and clarity. The Commission may, at its own discretion, amend this RFP on its own initiative or in response to issues raised by inquiries, as it deems appropriate. Oral statements, representations, clarifications, or modifications concerning the RFP shall not be binding upon the Commission. Official responses by the Commission will be made only in writing by the process described above. Respondents shall be responsible for reviewing the most updated information related to this RFP before submitting a proposal.

2. **Proposals must be submitted electronically to the PUC no later than 4:30 p.m. on Friday, January 24, 2020.** The electronic copy must be in PDF (portable document file) format and must be searchable. Proposals must be submitted electronically to: RFP@puc.nh.gov. The file will be considered received based on the timestamp in the receiver's email. The PUC can accept electronic files no larger than 8 MB. Submissions that are not received by the date and time and in the manner specified in this section shall be rejected as non-compliant. If a deviation is minor, explainable, and has essentially no material impact on the competition between respondents, it may be waived if doing so is determined to be in the best interests of the State. Any response that is filed shall be valid for not fewer than 180 days following the deadline for submission of proposals, or until the effective date of any resulting contract, whichever is later.
3. **Paper Copies Also Required:** In addition to the electronic submission, respondents must submit four (4) paper copies to the following address:

Juli Pelletier, Business Office Director
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301-2429

The paper copies shall be: sent by first class U.S. mail and postmarked no later than January 24, 2020, or sent by 1 day express delivery service (UPS, Federal Express, etc.) no later than January 24, 2020, or hand-delivered no later than January 24, 2020. Hard copies must be identical to the submitted electronic copy in text and pagination. In the alternative, the electronic copy shall be controlling.

4. **Restriction on Contact with State Employees:**
From the date of the release of this RFP until awards are made and announced regarding the selection, all communications with personnel employed by or under contract with the State regarding this RFP is forbidden, unless first approved by the point of contact, Juli Pelletier, Business Office Director. Commission employees have been directed not to hold conferences and/or discussions concerning this RFP with any potential grantee during the selection process, unless otherwise authorized by the RFP point of contact. All inquiries concerning this RFP, including but not limited to requests for clarification, shall be submitted by email to Juli Pelletier, Business Office Director at RFP@puc.nh.gov. The subject line of

the e-mail should state the following: RFP #2019-007, REF LMI Community Solar Grants. No phone calls, please.

In the event an interview is scheduled, you will hear from Ms. Pelletier and may return calls to her for the sole purpose of scheduling an interview at (603) 271-6008.

I. Overview

A. Background and Purpose

The New Hampshire Public Utilities Commission is an executive branch agency with various responsibilities, among them the administration of the state's Renewable Portfolio Standard (RPS) program, pursuant to RSA 362-F, and management of the state's Renewable Energy Fund² (REF), pursuant to RSA 362-F:10. The purpose of the REF is to support thermal and electric renewable energy initiatives in New Hampshire.

Chapter 226 of the Laws of 2017 (introduced in the General Court and known commonly as SB 129) made a number of changes to the programs funded by the REF. As relevant here, under RSA 362-F:10, X, the Commission is required to allocate not less than 15 percent of the REF annually to:

benefit low-moderate income residential customers, including, but not limited to, the financing or leveraging of financing for low-moderate income community solar projects in manufactured housing communities or in multi-family rental housing.

The phrase "low-moderate income community solar project," with the enactment of Senate Bill 165 (2019) (SB 165), is defined as "ground-mounted or rooftop solar arrays that directly benefit a group of at least 5 residential end-user customers, where at least a majority [at least 3] of the residential end-user customers are at or below 300 percent of the federal poverty guidelines. No more than 15 percent of the projected load for such project shall be attributable to non-residential end-user customers." RSA 362-F:2, X-a. In addition, with the enactment of SB 165, RSA 362-A:9, XIV(c) requires each utility to provide on-bill credits for each member and the host along with a 3 cent per kwh addition from July 1, 2019, through July 1, 2021, and a 2.5 cent per kwh addition thereafter for low-moderate income community solar projects.

Pursuant to RSA 362-F:10, VIII, the Commission may, after notice and hearing, by order or rule, establish "additional incentive or rebate programs for customer-sited thermal and renewable energy projects" to be supported by the REF. This RFP is issued pursuant to RSA 362-F:10, VIII. *See* Docket No. DE 17-172, Order No. 26,113 (March 19, 2018) and Order No. 26,214 (January 25, 2019).

² The REF is funded through alternative compliance payments (ACPs) made by the distribution utilities and competitive electric power suppliers in lieu of renewable energy certificates (RECs). RECs are available in the market, for sale, at a price that is equal to or less than the applicable ACPs. ACP amounts are adjusted each year, pursuant to RSA 362-F:10, II and III.

On December 11, 2018, Staff filed a memorandum recommending continuation of the RFP process for FY 2019 and FY 2020. *See id.* (Staff Recommendation). The Commission approved implementation of the program through RFP issuance for FYs 2019 and 2020. *See id.* Order No. 26,214 (January 25, 2019). On September 6, 2019, in the same docket, Staff filed a memorandum requesting approval of fiscal year 2020 program budgets for the REF. On November 6, 2019, the Commission issued a Secretarial Letter approving the allocation of \$600,000 to this LMI program for FY 2020. *See* Docket No. DE 17-172. At present, including FY 2019 carry forward, the total funding available under this RFP is \$900,000.

The Commission is seeking proposals from qualified individuals, entities, or multiple entities for community solar projects that would provide direct benefits to LMI residential electric customers, as the means of meeting the statutory requirements.

All grant awards are contingent upon final contract approval by the Governor and Executive Council (G&C).

B. Definitions

As used in this RFP, the term “project” includes both the equipment and facilities comprising the solar PV system, and the management and administration of financing, funding, operations, maintenance, benefits provision, participating customer income verification, admission, replacement, education, communications, and other related matters.

C. Basic Project Eligibility Requirements

To be eligible for funding, projects must meet the following minimum requirements:

1. Respondents must propose new resident-owned or third party-owned ground-mounted, carport, or rooftop, community solar PV projects, including, but not limited to, those located in or otherwise serving affordable multi-family rental housing or resident-owned manufactured housing communities.
2. Projects must utilize grant funds primarily for capital investments in new solar PV projects that will result in a quantifiable direct benefit to a minimum of five residential electric customers within the same electric distribution utility service territory and where at least the majority of participants must be LMI. Consistent with RSA 362-F:2, X-a, “LMI” is defined as end-user customers whose income is at or below 300 percent of the federal poverty guidelines.³ For the purposes of this proposal, moderate income participants are defined as end-user customers whose income is more than 200 percent of the federal poverty guidelines but less than or equal to 300 percent of those guidelines.

³ The 2019 Federal Poverty Guidelines (FPG) may be found at: <https://www.federalregister.gov/documents/2019/02/01/2019-00621/annual-update-of-the-hhs-poverty-guidelines>. The applicable FPG shall be the FPG in effect as of the date the FY 2020 proposals are due.

3. Projects must adhere to the statutory requirements of RSA 362-F:2, X-a and provide direct benefits to LMI customers from the date of initial operation through the earlier to occur of (i) 20 years, or (ii) the end of the project's useful operational life.
4. Projects must be operational no later than eighteen months after contract approval by G&C.
5. Respondents may not also request funding from the Non-residential Competitive Grant Program, C&I Renewable Energy Rebate Program, or Residential Renewable Electric Generation Incentive Program.
6. Grantees must commit to seeking REC eligibility in New Hampshire for the project, including but not limited to submitting a complete application for REC eligibility to the PUC.
7. Only community solar PV projects are eligible for funding under this RFP.
8. Projects must be physically located in New Hampshire; any point of grid interconnection must also be in New Hampshire. Neither the project nor the end-user customers to be served by the system may be located in, or a customer of, a municipal electric utility.
9. Projects must demonstrate control of any site(s) on which they will be constructed.

II. Proposal Submission Requirements

The overall proposal emphasis should be on completeness and clarity of content. As explained above, both electronic and paper copies must be submitted. Respondents are strongly encouraged to print or copy their proposals double-sided and stapled in the upper left hand corner. The strongly preferred format includes 12-point font size with 1" page margins. Page numbers should be included. Proposals shall include the following:

- A. Letter of Transmittal** (1 page, including name of project, and contact information for and signature of project lead and contact information for the person who has the authority to enter into a binding agreement).
- B. Project Summary Sheet** Please use the form provided in Attachment A, "Project Summary Sheet."
- C. Technical Project Proposal**
 1. Overview of project site location (including panoramic and aerial site photos) and description of where array is to be sited.
 2. System size (kW AC and kW DC), and generating facility equipment, including manufacturer and model (if applicable) of inverters, panels, racking, production meter and monitoring software.
 3. Solar PV system schematic (including one-line drawing), with an attached copy of any relevant engineering or feasibility studies.
 4. Solar Site Survey, including a solar shading analysis and estimated annual production; a minimum of 80% optimal insolation is required. Please attach a copy of the Solar Site Survey.

5. Projected kilowatt-hours (kWh) to be generated (annual and lifetime) and the assumptions (e.g., capacity factor) used for the estimate.
6. Project timeline, including start date, key milestones in project progress (e.g., design, permitting, construction, start-up, commissioning), and expected interconnection date.
7. List of permits and approvals required and status of such permits and approvals, including any lease or site-control arrangements with property owners. Please attach a copy of any applicable lease agreement or any other documents that demonstrate site control.
8. Describe the status of the interconnection review process. Provide the date on which each of the following steps occurred or is anticipated to occur: i) submittal of Pre-Application, ii) submittal of Interconnection Request, iii) execution of System Impact Study Agreements, iv) execution of Interconnection Agreement.
9. If a roof-mounted system, demonstrate that a structural analysis has been completed.
10. Describe project ownership structure, identify system owner, identify site owner, if different, including names of all project owners and project site ownership and/or leasing structure, and describe any power purchase agreement (PPA), if applicable. Please attach a copy of any applicable PPA. Please include letter of support from the site owner, if applicable.
11. Describe assignments and roles of individual key project personnel, listing the project developer, solar installation company, NH licensed electrician, and any other project personnel.
12. Describe operations and maintenance plan for the system, including short-term and long-term system operation, maintenance, and monitoring arrangements, and estimated project lifespan, including any associated costs.
13. Describe the Labor and Product Warranties; note that a minimum of five years' labor warranty is required. Projects must include a long-term plan for one full replacement of project inverters.

D. Project Model A narrative description comprehensively addressing how the community solar PV project will be designed and managed, and the net benefits that will be provided directly to participating LMI customers:

1. LMI Participant Benefits:
 - i. Describe estimated monthly or annual direct electric bill impacts (in kWh) to LMI participants, if applicable, and any allocation of kW to LMI participants and to non-LMI participants.
 - ii. Describe all benefits to be provided to LMI participants and how those benefits will be provided to LMI participants (e.g., through on-bill credits, group net metering (GNM), rental payment reduction, association dues reduction, etc.). Projects that include direct cash payments to LMI participants will score lower on relevant criteria than projects that do not, because direct cash payments may affect LMI participants' eligibility for other support programs, such as TANF, Medicaid, and SNAP (as defined below in subsection vii).
 - iii. Respondents must provide data projections expressed in dollars that clearly demonstrate the annual net direct benefits to each LMI participant for the first 10 years following initial operation of the PV system (data for additional years may be presented if desired).

- iv. List the total number of LMI participants, including the number of low income and the number of moderate income participants, and the number of non-LMI participants (individual names are not required; general descriptions may be provided, however the respondent must be able to verify names and income levels upon request).
 - v. Describe any costs to LMI participants including initial joining/subscription fees (fee amount must be specified), and any ongoing subscription fees, including amount, frequency, and term and any other costs to LMI participants.
 - vi. Describe any other costs to LMI participants not included above; describe costs to non-LMI participants, including all elements described in 1(v).
 - vii. Describe any identified potential impacts on public benefits program eligibility of participating LMI customers (such as Section 8 rent subsidy, Supplemental Security Income (SSI), Temporary Assistance to Needy Families (TANF), Medicaid, Supplemental Nutrition Assistance Program (SNAP), etc.).
 - viii. Describe possible tax consequences to LMI participants. If the proposed system is to be owned by LMI participants, please describe measures taken to avoid excess production payments from being considered taxable income.
 - ix. Describe ownership interest of the LMI participants, if applicable.
 - x. Describe if array is located in a solar tax-exempt town/city. Please estimate the annual property tax costs associated with the array.
2. Participant Communications:
- i. Describe how LMI participants will be identified/recruited, initial and ongoing income verification, etc.
 - ii. Define proposed method for and cost of income verification. Who will pay those costs?
 - iii. Describe process for subscription management, including handling new (additional) participants and/or enrollment of replacement participants.
 - iv. Describe method of participant engagement, participating customer education and outreach, and ongoing communication.
3. Ownership Model:
- i. Provide a clear description of who will own the community solar PV system and for how long. If ownership will be transferred or sold during the operational life of the system, please explain when and how that will take place, and what, if any, transaction costs will occur and who will pay them.
 - ii. If the community solar PV system is third party owned, describe plans for effective management and communications between third party owner and organization providing direct benefits to participating residential electric customers.
 - iii. Provide a statement verifying that the grantee will submit an application for the project to be certified as eligible for Renewable Energy Certificates (RECs) in New Hampshire.
 - iv. Define the party that owns the RECs and who will benefit from the sale of the RECs.

4. Metering Arrangements:
 - i. Will this project be serving a master-metered building or individual meters?
 - ii. Describe any GNM arrangements, if applicable, including how community solar PV benefits will be provided to participating customers.
 - iii. Describe any on-bill-credit arrangements required, if applicable, including how community solar PV benefits will be provided to participating customers.
Indicate if this project intends to qualify for the LMI adder available through the passage of SB 165 (2019).
 - iv. Describe the utility's role in implementing the proposed project. All REF LMI respondents shall communicate directly with the appropriate utility as well as the Commission, regarding any utility requirements, and shall document such communications and related conclusions, if any, as part of their responses to this RFP.
 - v. Identify the current or expected rate class of the interconnecting meter account holder.

E. Project Development Costs and Financing

1. Provide total project cost estimate, including itemized costs for equipment, labor, design, permitting, materials, balance of system costs, etc., and any specific quotations from vendors and contractors.
2. State the grant amount being requested from the Commission.
3. Describe the project's financing plan, financing status, and letters of intent/commitment obtained or expected from any third party investors, lenders, or financiers. If securing financing from outside lenders, identify the lending institution and describe the interest rate, term, and all material conditions of the loan(s).
4. Describe all other financial resources and funding sources, including grants, rebates, LMI Adder, tax credits, etc., anticipated to be used by or for the project.
5. Describe and quantify in dollars any funding to be received from community solar PV project participants (both LMI and non-LMI), if applicable, including initial joining fees and ongoing subscription fees including amount, frequency and term (if funding or fees differ for LMI and non-LMI participants, list each cost separately).
6. Describe use of federal investment tax credit (ITC) and/or any other tax incentives.
7. Describe costs of initial project administration, such as LMI participant identification, marketing, education, and income qualification.
8. State expressly that the grant funding requested will only be applied to project costs benefitting LMI participants and not to any costs not related to the project providing direct benefits to participating LMI customers.

F. Ongoing Project Management Costs and Financing

1. Describe any financial resources, including REC revenue, grants, rebates, tax credits, etc., anticipated annually to cover project administration costs, if any.
2. Describe any funding from community solar PV project participants (both LMI and/or non-LMI), if applicable. List any ongoing subscription or other fees (i.e., amount, frequency, and term). If costs differ for LMI and non-LMI participants, list each cost separately.

3. Describe costs of administration such as new LMI participant identification, ongoing annual income verification costs, and participant subscription management costs.

G. Qualifications and Experience

1. Provide a summary of the qualifications, experience, and roles of the project team. As a separate attachment to the proposal, provide resumes of key personnel, including community solar developer, if applicable, solar installation company, contractors and subcontractors, such as electrician(s). List respondent's years of experience, specifically including community solar project experience (resumes should be limited to relevant experience).
2. Summaries of similar community solar or LMI projects undertaken by key personnel (including the date of project installation, summary of project, current status of project, client name, and name and phone number of contact for reference).

H. Conflicts of Interest

Describe any potential conflicts of interest on the part of any members of the project team or its contractors and subcontractors.

III. Proposal Selection Process and Criteria

Proposals will be reviewed and evaluated in a three-tier review process, followed by a contracting phase. The steps are summarized below:

Step 1: Commission Staff shall assess completeness and responsiveness of proposals to eliminate non-conforming proposals; Staff may waive or offer a limited opportunity to cure immaterial deviations from RFP requirements if it is determined to be in the best interests of the State;

Step 2: An Evaluation Team consisting of Commission Staff shall evaluate and score conforming proposals according to the criteria below, including both technical requirements and funding amount requested (See Attachment B, Scoring Criteria Summary Sheet for an example of the scoring sheet);

Step 3: The Evaluation Team may request and hold interviews, and product demonstrations if applicable (if requested as described below). The Evaluation Team shall score all proposals using pre-published scoring criteria set forth in the RFP and develop a score (individually or as a group score) for each proposal from 0-100 points. The Evaluation Team shall submit recommendations regarding projects and funding to Commissioners;

Step 4: Based on the scores developed by the Evaluation Team and criteria set for in N.H. Admin R. Puc 2508.02(c), the Commissioners will apply the criteria set forth in Puc 2508.02(c)(2) and (3) and determine percentage factors for each proposal. The scores developed by the Evaluation Team will be multiplied by those factors to produce a final

score, upon which the proposals will be ranked. Awards will be made within the constraint of available funds; consequently, awards may not be made to all qualifying proposals. In addition, the Commission reserves the right to award grants to a lower-ranked proposal(s) if there are insufficient funds remaining to award the amount requested in a higher-ranked proposal;

Step 5: The Commission shall negotiate, if necessary, and develop grant agreements and related contract documents with selected respondents;

Step 6: The Commission shall submit completed contracts to G&C for approval.

Notwithstanding any other provision of this RFP, this RFP does not commit the Commission to make an award. The Commission reserves the right, at its sole discretion, to reject any or all proposals, or any portions thereof, for any reason, at any time, including, but not limited to, canceling the RFP, and soliciting new proposals under a new acquisition process. If, for any reason, negotiations with the top scorer(s) do not result in a contact(s), despite reasonable efforts made in good faith, the Commission may go to the next highest scorer(s) and seek to negotiate with that respondent(s).

Proposals will be deemed incomplete, nonconforming, and ineligible for grant funding if information that is essential to the scoring evaluation is not included in the proposal. Proposals that fail to meet the following criteria will be deemed ineligible:

- Filing of a timely application, with the correct number of paper and electronic copies, and all mandatory elements;
- Identification of potential contractors or subcontractors, if applicable, or a detailed process and timeline to identify and engage them;
- Listing of key project milestones and the associated timeline and project schedule; and
- Identification of other funding and financing sources, or in the alternative a statement that there are no other funding or financing sources, and related letters of intent or commitment.

All projects deemed ineligible will receive notification of this determination in a timely manner.

Broadly, Commission Staff will evaluate all proposals received for their completeness, clarity, quality of presentation, how well the project meets the goals of SB 129, RSA 362-F and the REF, reasonableness of costs, project feasibility and readiness, potential for long-term success of the project, qualifications and relevant experience of the project team, responses to all topics, and the likelihood of project completion within the contract period. All projects deemed eligible will be evaluated based upon the specific criteria identified below.

If Commission Staff determines that it is appropriate, respondents may be invited to oral interviews and/or demonstrations including demonstrations of any proposed systems or technology components. Commission Staff retain the sole discretion to determine whether to conduct oral interviews, with which respondents, and the number of interviews. Respondents are

advised that Commission Staff may decide to conduct interviews with fewer than all respondents.

The purpose of oral interviews and demonstrations is to clarify and expound upon information provided in the written proposals. Respondents are prohibited from altering the basic substance of their proposal during the oral interviews and /or demonstrations. Commission Staff may ask the respondent to provide written clarifications of elements in the technical Proposal regardless of whether Staff intend to conduct oral interviews. Information gained from oral interviews and demonstrations will be used to refine technical review scores assigned from the initial review of the Proposal.

The Commission will consider the following criteria and assign a corresponding point score, where a maximum score for all criteria would be 100 points:

1. **Net Direct Benefits to LMI Participants.** Assessment of project will include evaluation of the net direct annual benefits to be provided to participating low and moderate income residential electric customers during the first 10 years following initial operation of the PV system; the amount of grant funding requested in relation to the net direct LMI benefits being provided; the percentage of participants who are LMI; inclusion of moderate income participants; and the percentage of energy produced that is effectively allocated to LMI participants.
Maximum Point Score 50

2. **Technical Project Specifications.** Proposal elements evaluated will include cost-effectiveness of project; direct ownership of project; optimal project siting; locational benefits; optimal energy modeling (e.g., Solar Pathfinder) results; labor and equipment warranties; inverter replacement warranty or plan; community solar PV project development team experience.
Maximum Point Score 15

3. **Project Feasibility and Readiness.** Respondent proposes a realistic and achievable project with a clear definition of project ownership and team members; secured project site control; identified community solar participants (LMI and non-LMI); a well-defined and feasible project timeline; project personnel demonstrating low moderate income participant experience; all necessary permits obtained or applied for; and financing, funding, and/or investment commitments obtained, if applicable.
Maximum Point Score 15

4. **Project Administration and Management.** Proposal presents a clear and detailed approach to initial identification, income verification, recruitment, enrollment, and replacement when necessary of LMI participants; methods of effective long-term project management and administration; minimal administrative and financial impacts on utility and PUC; minimal potential impacts on public benefits program eligibility of LMI customers; and plans for effective LMI participant education, engagement, and outreach.
Maximum Point Score 20

IV. General Conditions

- A. The Commission reserves the right: to reject any or all proposals, or any part thereof; to determine what constitutes a conforming proposal, to waive irregularities that it considers non-material to the proposal, to make funding decisions, including partial awards, solely as it deems to be in the best interests of the State, and to negotiate with any party in any manner deemed necessary to best serve the interests of the State
- B. The Commission reserves the right to request additional information from any or all parties submitting proposals to assist in the evaluation process.

C. Confidentiality of Proposal

Unless necessary for the approval of a contract, the substance of a proposal must remain confidential until the effective date of any contract resulting from this RFP. A respondent's disclosure or distribution of proposals other than to the Commission may be grounds for disqualification, unless disclosure was made to other funding sources to obtain funding.

D. Public Disclosure:

By filing a proposal, the respondent acknowledges that the Commission is subject to the Right-to-Know Law, RSA Chapter 91-A. Accordingly, information submitted as part of a proposal in response to this RFP may be subject to public disclosure unless otherwise exempt. *See* RSA 91-A and RSA 21-G:37, VII. Business financial information, **confidential information, such as personally identifiable information, including but not limited to, LMI participants' names, addresses, social security numbers, and account numbers**, proprietary information such as trade secrets, financials models and forecasts, and proprietary formulas, are categories of information that may be exempt from public disclosure. RSA 91-A:5, IV.

If any part of its proposal contains information that is asserted to be exempt from public disclosure, **the respondent must identify all relevant text, mark it "confidential" and provide support for such assertion(s) as part of its response to this RFP.** The respondent shall explain, in writing, what measures it has taken to keep such information confidential, and the personal privacy, or competitive business interests, that would be harmed if such information were to be publically disclosed. The explanation shall identify by page number and proposal section number the specific information the respondent claims to be exempt from public disclosure pursuant to RSA 91-A:5. It is helpful if the text alleged to be confidential is also highlighted, underlined, or otherwise identified in the actual proposal itself. Marking the entire proposal or entire sections of the proposal (i.e. costs) as "confidential" will neither be accepted nor honored.

The PUC shall maintain the confidentiality of information contained in proposals, insofar as doing so is consistent with RSA Chapter 91-A. Any information a respondent identifies as exempt from disclosure shall be kept confidential until the Commission has

determined, as necessary, whether such information is exempt from public disclosure pursuant to RSA 91-A.

In the event that the PUC receives a request for the information identified by a respondent as confidential, the PUC shall notify the respondent and specify the date the PUC intends to release the requested information, redacting any information the PUC independently concludes is exempt, consistent with applicable laws and regulations.

Any effort to prohibit or enjoin the release of the information the PUC identifies for release shall be the respondent's responsibility at the respondent's sole expense. If the respondent fails to obtain a court order enjoining the disclosure, the PUC may release the information on the date the PUC specified in its notice to the respondent(s), or in its notice to any other relevant parties.

- E.** By submitting a proposal, a respondent agrees that in no event shall the Commission be either responsible for or held liable for any costs incurred by a respondent in preparation of or in connection with the proposal, or for work performed prior to the effective date of a resulting contract.
- F.** All parties submitting proposals shall be Equal Opportunity Employers. Funding recipients will be expected to comply with all federal, state, and local laws respecting non-discrimination in employment.
- G.** The Commission reserves the right to amend or cancel this RFP at any time. Respondents should check the Commission website at <http://www.puc.nh.gov/Sustainable%20Energy/RFPs.htm> for any addenda to this RFP before filing their proposals, and for answers to questions other parties may have submitted, if any.
- H.** Recipients of funds will be required to submit their Taxpayer Identification Number (TIN), Employer Identification Number (EIN), or Social Security Number (SSN), and to register as a vendor with the State of New Hampshire.
- I.** The terms and conditions set forth in the State's "General Provisions" for grant agreements, attached hereto as Attachment C, will apply to the grant award and funding agreement that the Commission will enter into with grant recipients. In addition, each agreement will be supplemented by three exhibits: Exhibit A will set forth the scope of services and reporting requirements in detail; Exhibit B will set forth the amount of the grant, any required milestones, preconditions to reimbursement, the amount of grant holdback or retainage, and the documentation requirements for, and conditions of, grant payments; and Exhibit C will include any special provisions, including any modifications to the General Provisions regarding insurance coverage and other matters.
- J.** Once a contract becomes effective, any subsequent material changes or modifications, including, but not limited to, changes in project site plan, design, equipment, or other major components, overall project budget, key project personnel, LMI customer participation, project funding or financing model, project administration, management, or

communications, or proposed technical details, must be submitted for review and prior approval.

- K. This RFP is not an offer. Neither the State nor this RFP shall create any commitment on the part of the State or confer any rights on the part of the respondent unless and until a binding written grant award agreement is executed between the Commission and the respondent, and approved by G&C.
- L. There will be reporting and inspection requirements for the projects that are awarded grants under this solicitation. These may include, but are not limited to, development and construction progress reports and the reporting of expenditures, annual energy production for up to ten years after the project becomes operational, numbers of LMI and non-LMI participants, and accounting for net direct benefits provided to participating LMI customers. Pursuant to Puc 2508.04, any recipient of any monies disbursed from the REF shall make its books, records, and facilities available to the Commission for the purpose of allowing the Commission to discharge its audit responsibilities pursuant to RSA 362-F:10, I.
- M. Property of the State: All materials and data submitted or received in response to this RFP will become the property of the State and will not be returned to the respondent. Upon contract award, the State reserves the right to use any information presented in any proposal, provided that its use does not violate any copyrights, or other provisions of law, including RSA 91-A.
- N. Reimbursement to grantees under this program is on a cost-reimbursable basis, unless approved otherwise. Costs incurred prior to final grant agreement approval by the G&C are not eligible for reimbursement. Reimbursement may be contingent on the occurrence of specified milestone events and the satisfaction of other conditions as set forth in the approved grant agreement. In accordance with the terms of the grant, a grantee is required to submit requests for reimbursement together with supporting documentation of the paid expenditures. The Commission will withhold payment of a percentage of any grant award until final completion and interconnection of the project.
- O. Ethical Requirements

From the time this RFP is published until a contract is awarded, no bidder (respondent) shall offer or give, directly or indirectly, any gift, expense reimbursement, or honorarium, as defined by RSA 15-B, to any elected official, public official, public employee, constitutional official, or family member of any such official or employee who will or has selected, evaluated, or awarded an RFP, or similar submission. Any bidder (respondent) that violates RSA 21-G:38 shall be subject to prosecution for an offense under RSA 640:2. Any bidder (respondent) who has been convicted of an offense based on conduct in violation of this section, which has not been annulled, or who is subject to a pending criminal charge for such an offense, shall be disqualified from bidding on the RFP, or similar request for submission and every such bidder (respondent) shall be disqualified from bidding on any RFP or similar request for submission issued by any state agency. A bidder (respondent) that was disqualified under this section because of a pending criminal

charge which is subsequently dismissed, results in an acquittal, or is annulled, may notify the department of administrative services, which shall note that information on the list maintained on the state’s internal intranet system, except in the case of annulment, the information, shall be deleted from the list.

P. Challenges on Form or Process of the RFP

Any challenge regarding the validity or legality of the form and procedures of this RFP, including but not limited to the evaluation and scoring of proposals, shall be brought to the attention of the Commission at least ten (10) business days prior to the Proposal Submission Deadline, by sending writing notice to the RFP Point of Contact, Ms. Juli Pelletier, the PUC Business Office Director. By submitting a proposal, the respondent is deemed to have waived any challenges to the Commission’s authority to conduct this procurement and the form and procedures of the RFP.

V. Grant Agreement and Certificates

Successful respondents will be expected to enter into a grant agreement with State of New Hampshire. A copy of the General Provisions of the agreement to be signed by the parties can be found in Attachment C. In addition, project specific terms and conditions will be negotiated with the respondent and included in the grant agreement.

Respondents will be required to fill in this form ONLY upon the Commission’s approval of the proposal for REF grant funding.

Successful respondents will also be required to provide the following certificates prior to entering into a contract or grant agreement with the PUC:

Secretary of State’s Office Certificate of Good Standing (“CGS”)	Individuals contracting in their own name do not need a CGS. Business entities and trade names need a CGS, except for nonresident nonprofit corporations
Certificate of Vote /Authority (“CVA”)	Individuals contracting in their own name do not need a CVA. Business entities and trade names need a CVA.
Certificate of Insurance	Certificate of Insurance form attached with insurance coverage required under the contract. Modifications of insurance coverage required will be specified in Exhibit C to the contract.
Workers’ Compensation	Contractor must demonstrate compliance with or exception from RSA 281-A (and, if applicable, RSA 228:4-b and RSA 21-I:80, and any other applicable laws or rules).

Respondents will be required to provide these certificates ONLY upon selection of the proposal to receive REF grant funding by the Commission.

Attachment A. PROJECT SUMMARY SHEET

Please fill in the Project Summary Sheet and insert directly following the letter of transmittal in the final proposal submission.

Please see next page.

Project Summary Sheet				
Project Name				
Project Team <i>(entities, contacts, roles)</i>				
Respondent Name <i>(name of entity to contract with the PUC to receive funds)</i>				
Contact Information for person authorized to enter into binding grant agreement				
Project Location				
Summary of Project Model				
Description of net direct benefits provided to LMI participants; including annual quantified value of net direct benefits				
Description of net direct benefits provided to non-LMI participants; including annual quantified value of net direct benefits				
Participants receiving direct benefits	Total participants:	# of low income:	# of moderate income:	#of non-LMI:
Capacity and Anticipated Annual Energy Production	kW DC and kW AC		(Modeled kWh/year)	
Total Project Cost (\$)				
Total Funding Requested under the RFP (\$)				
Total Costs to LMI Participants, including joining & subscription fees, other payment commitment				
Eligible for LMI Adder?				
Anticipated Project Completion Date				

Attachment B. SCORING CRITERIA SUMMARY SHEET

Project:

Respondent:

Grant Amount Requested:

Criteria	Maximum Score	Score	Comments
Net Direct Benefits to LMI Participants	50		
Technical Project Specifications	15		
Project Feasibility and Readiness	15		
Project Administration and Management	20		
Total	100		

Comments:

Attachment C. GENERAL PROVISIONS

A copy of the State of New Hampshire's General Provisions to be executed by the parties can be found at

<http://www.puc.nh.gov/Sustainable%20Energy/RFPs/2011%20C&I%20RFP/Grant%20Agreement%20Form-General%20Provisions.pdf>.

Respondent will be required to fill in this form ONLY if and when its proposal is selected by the Commission to receive REF LMI grant funding.