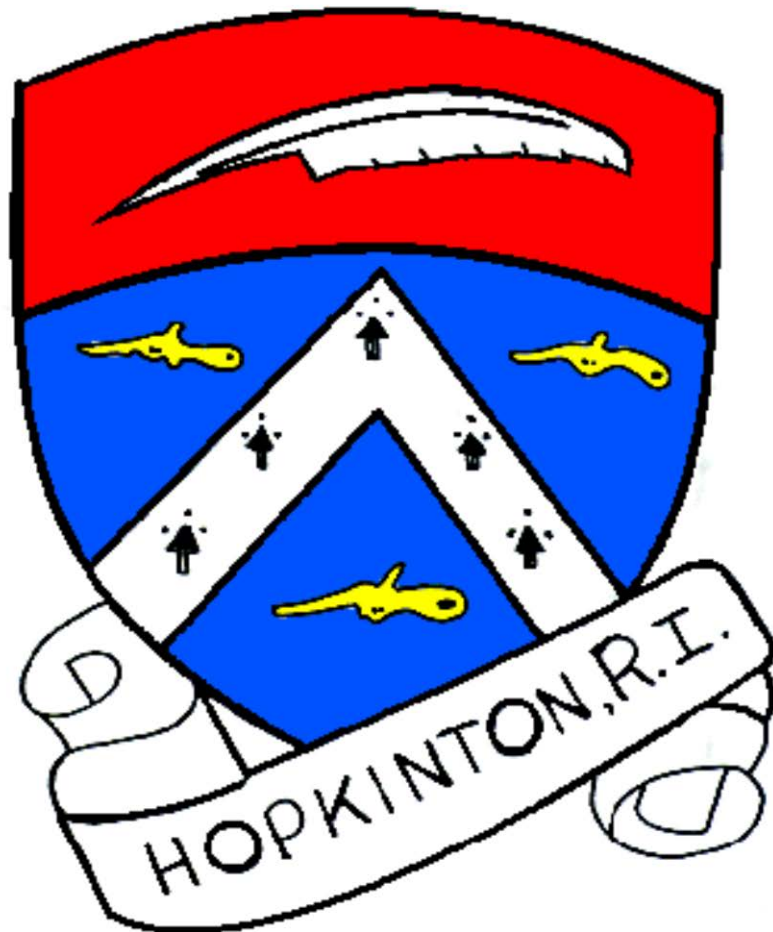


TOWN OF HOPKINTON
REQUEST FOR PROPOSALS

HOPKINTON LANDFILL SOLAR PROJECT



2020

BID INFORMATION, REQUIREMENTS, INSTRUCTIONS AND SPECIFICATIONS

BID INFORMATION

BIDS DUE BY: *Thursday, November 5, 2020 at 3:00 p.m.*

BID OPENING DATE: *Thursday, November 5, 2020 at 3:15 p.m.*

BID RECEIPT LOCATION:

Town Clerk's Office
Hopkinton Town Hall
1 Town House Road
Hopkinton, RI 02833

BID OPENING LOCATION:

Town Council Chambers
Hopkinton Town Hall
1 Town House Road
Hopkinton, RI 02833

Sealed Envelopes Must Be Marked As Follows:

“HOPKINTON LANDFILL SOLAR PROJECT”

Single Point of Contact: All requests for information related to this bid package shall be directed to:

**William A. McGarry
Town Manager
1 Town House Road
Hopkinton, Rhode Island 02833**

Email Address: townmanager@hopkintonri.org

BID REQUIREMENTS AND INSTRUCTIONS

1. Sealed bids will be accepted in the Town Clerk's Office until 3:00 p.m. on **Thursday, November 5, 2020**.
2. Sealed bids will be opened and read in accordance with COVID-19 policies then in effect in the Town Council Chambers at 3:15 p.m. on **Thursday, November 5, 2020**.
3. Sealed envelopes must be marked "**HOPKINTON LANDFILL SOLAR PROJECT**" and submitted to the Town Clerk's Office.
4. The "**HOPKINTON LANDFILL SOLAR PROJECT**" will be subject to the Town of Hopkinton NON-RESIDENTIAL PHOTOVOLTAIC SOLAR ENERGY SYSTEMS (PSES) Ordinance Chapter 246, as amended on January 22, 2019.
5. **Proposals are being sought for a lease agreement with the Town of Hopkinton providing the right to plan, permit, design, install, finance, operate and maintain a solar PV project ("the Project") on a portion of the former town landfill on Stubtown Road (AP 13 Lot 27). As part of the project, the successful respondent will agree to assume responsibility for undertaking all actions necessary, at no cost to the Town, to keep the site in compliance with all Rhode Island Department of Environmental Management (RIDEM) requirements as well as all actions necessary to proceed with placement of a solar array on the site as stated in the March 19, 2019 letter from RIDEM to the Hopkinton Town Planner. The successful respondent shall request a pre-application conference with RIDEM, through the Office of Customer and Technical Assistance, to review permitting requirements for stormwater, wetlands and landfill cap requirements.**
6. **Upon acceptance of a proposal that it deems to be in the best interest of the Town of Hopkinton, the Town of Hopkinton will immediately proceed to appropriately rezone the Stubtown Road parcel in order to enable the project to move forward.**
7. Proposals are to be submitted on the attached Bid Sheet on or before the date and time due, signed by a person authorized to represent the respondent.
8. A signed copy of the Bid Requirements and Instructions, and Minimum Bid Specifications shall also be submitted to the Town Clerk's Office at the time the proposal is submitted.
9. Proposals that do not meet minimum requirements may or may not be considered. All exceptions must be listed. Proposals must contain the name and proper address of the responding firm, and must be signed by a responsible member of the firm with his/her signature and official title. Proposals that are not complete, or contain any omissions, erasures, alterations, additions or contain irregularities of any kind may be rejected.
10. All respondents are required to complete an Experience Sheet, one of which is included in this bid packet. Any bid submitted without a fully completed Experience Sheet will be rejected. Respondents may substitute their own Experience Sheet with bid documents.

11. Respondents are required to submit four (4) copies of their bids (one [1] original marked “MASTER”, two [2] paper copies and one [1] electronic copy).
12. **There will be a pre-bid meeting and site inspection on Thursday, October 1, 2020 beginning at 10:00 a.m. at the Stubtown Road Landfill Phase II site (pole #8 on Stubtown Road, AP 13 Lot 27) for bidders to gather all information needed for their respective bids. This meeting will comply will all State of Rhode Island COVID-19 requirements, including the mandatory use of face masks and social distancing.**
13. Submitted proposals may be competitively negotiated when it is determined, in writing, by the Town Manager that the bid prices received by competitive sealed bidding either are unreasonable as to all or part of the requirements or were not independently reached in open competition.
14. Any respondent may withdraw his/her proposal by written request, at any time, prior to the advertised time for proposal opening. Telephonic bids, amendments, or withdrawals will not be accepted. Any respondent who wishes to make modifications to a proposal already received by the Town of Hopkinton must withdraw the proposal to make the desired modifications. All modifications must be made in ink, properly initialed by the respondent’s authorized representative, executed, and submitted in accordance with the terms and conditions of this solicitation. It is the responsibility of the respondent to ensure that modified or withdrawn bids are resubmitted before the submittal deadline.
15. The successful respondent shall furnish a Certificate of Liability Insurance within fifteen (15) days after the Hopkinton Town Council accepts the proposal.
16. The successful respondent shall execute a Notice of Award form within fifteen (15) days after the Hopkinton Town Council awards the bid.
17. **The successful respondent will be asked to provide a draft Lease Agreement for review by the Town of Hopkinton.**
18. The successful respondent will be responsible for obtaining all federal, state, and local permits required for this project and shall assume all of these costs in the proposals offered under a Lease Agreement with National Grid. This includes, but is not limited to – decommissioning, electrical, building and Electrical Utility Company Interconnection Service Agreement (ISA).
19. The successful respondent shall comply with the provisions of Rhode Island General Laws, RIGL) Chapter 37 pertaining to the “Prevailing Wage Laws” for all municipal funded projects in excess of one thousand (\$1,000) dollars. The RI Department of Labor has accepted the prevailing wage rates as determined by the Federal Wage and Hour Division under the Davis-Bacon Act. A copy of the most current wage decision pertaining to this bid is available from the Director of Labor at 457-1860 or on the website: www.dlt.ri.gov/pw.
20. As required under RIGL 37-13-13, the successful respondent must certify and submit weekly payroll forms to the Business Office.

21. The successful respondent shall at all times indemnify and save harmless the Town, its servants and agents, from any and all claims and from any suits, litigation, damages, losses or the like arising out of injuries sustained or alleged to have been sustained by any persons or damage to property in connection with the contract work, caused in whole or in part by acts or omissions of the successful bidder, his subcontractors, material persons, or anyone directly or indirectly connected with the contract work.
22. The successful respondent shall not have the right to sell, assign, or transfer any rights or duties under this lease agreement, without the specific written consent of the Town of Hopkinton.
23. The Town of Hopkinton reserves the right to accept or reject any and all proposals or portion thereof, to waive any technical defect or informality in proposals received, and to accept the proposal deemed to be most favorable to the Town of Hopkinton.
24. The project shall meet the requirements and satisfaction of the Town of Hopkinton and comply with the terms and conditions of any grants used for the project, all applicable governmental laws and regulations and all applicable Federal and State of Rhode Island Labor Laws for public work projects.
25. Prospective respondents may submit, in writing, any questions or comments on the Request for Proposals to Town Manager William A. McGarry at townmanager@hopkintonri.org. Any questions or comments submitted shall be due no later than **Friday, October 9, 2020** by 3:00 p.m. All written responses shall be posted on the Town's website. Any respondent taking exception to, or questioning any of the provisions, procedures, conditions or specifications herein stated should make such known to the Town Manager, in writing, not less than five (5) days before the bid opening. All responses to inquiries will be posted on the Town's website. No inquiries will be answered orally. Any amendment or clarification of interpretation relating to this Request for Proposals will be posted as an addendum on the Town's website.
26. All respondents are responsible for ensuring that no alterations have been made to the original bid package. All bid packages and addenda (if any) will be placed on the Town's website www.hopkintonri.org under "Purchasing Information" or will be available by contacting the Town Clerk's office.
27. Respondents may be asked to appear before Town officials to present their proposals and qualifications.
28. Respondents shall clearly specify the annual lease payments to the Town of Hopkinton for both during project development and upon the project becoming operational.
29. Upon completion of the tariff term, the successful respondent shall be responsible to remove all equipment materials, utilities, cabling, etc. and return each site to a condition equal or better than the condition of the site prior to solar PV construction. The successful respondent shall be required to provide surety in the form of a performance bond, escrow account, or other means of surety acceptable to the Town of Hopkinton to ensure adequate funding is

available for solar PV demobilization/removal and restoration of each site to pre-construction conditions.

30. The Town of Hopkinton is not liable for any costs incurred by respondents before entering into a formal lease. Costs of developing the proposals or any other such expenses incurred by the respondent in responding to the proposal are entirely the responsibility of the respondent, and shall not be reimbursed in any manner by the Town of Hopkinton.
31. Respondent must include in the proposal a complete disclosure of any alleged significant prior or ongoing contract failures, any civil or criminal litigation or investigation pending which involves the respondent or in which the respondent has been judged guilty or liable. Failure to comply with the terms of this provision will disqualify any proposal. The Town of Hopkinton reserves the right to reject any proposal based upon the respondent's prior history with the Town of Hopkinton or with any other party, that documents, without limitation, unsatisfactory performance, adversarial or contentious demeanor, significant failure(s) to meet contract milestones or other contractual failures. The Town of Hopkinton expressly reserves the right to reject the proposal of any respondent who is in default on the payment of taxes, licenses or other monies due the Town of Hopkinton.
32. It is the intention of the Town of Hopkinton to execute a lease agreement when the respondent furnishes satisfactory evidence of having the requisite experience, ability, sufficient capital, and facilities to properly and successfully complete the project within the time specified in the lease agreement.

MINIMUM BID SPECIFICATIONS

The specifications herein presented are to be used as a guideline; it is the sole responsibility of the bidders to perform their own due diligence to investigate and verify information pertaining to the site.

SCOPE OF WORK

The Town of Hopkinton is seeking proposals from experienced, renewable energy companies for a lease agreement with the Town of Hopkinton providing the right to plan, permit, design, install, finance, operate and maintain a solar PV project ("the Project") on a portion of the town landfill and be awarded a tariff under the state's Renewable Energy Growth ("REG") Program during the 2021 or 2022 REG Program Year or participate under the state's Virtual Net Metering Program ("VNM") with an eligible energy off taker.

Respondent shall provide the Town of Hopkinton with the following information:

A lease agreement that provides the greatest economic benefits to the Town of Hopkinton during the duration of the twenty (20) year life of the system. The lease

agreement shall include provisions for payments to the Town of Hopkinton while the proposed project is in development and payments to the Town of Hopkinton after the project becomes operational.

The REG or VNM Project shall be owned and operated by the successful respondent and developed at no-up-front cost to the Town of Hopkinton, including all associated engineering, permitting and utility interconnection and decommissioning costs.

At its own expense, the successful respondent shall complete all of the landfill cap preparation work and environmental requirements enumerated below, as well as any additional requirements that may be set by the Rhode Island Department of Environmental Management during the operation of the facility, and those that will apply to decommissioning. The successful respondent shall reimburse the Town of Hopkinton for all costs associated with any groundwater and gas monitoring that may be required by the Rhode Island Department of Environmental Management for the life of the project.

Cap Specific Preparation Work Prior To/During Solar Construction

1. Repair and improve signage and fencing to prevent trespassing onto the landfill and the proposed solar array.
2. Repairs and Maintenance:
 - a. Repair damage to the cap from erosion;
 - (i) Improve organic content of the topsoil and reseed as necessary to help protect the cap during the construction of the solar array.
 - b. Repair stormwater control structures;
 - c. Repair and secure groundwater monitoring wells;
 - (i) Maintain and secure existing groundwater monitoring wells.

Project Specific Environmental Requirement Notes

1. Prior to the start of work, a Closure Plan Modification Request must be prepared by the environmental consultant regarding the proposed Solar Project, to be reviewed and approved by RIDEM. As part of this plan, the following will need to be determined, with assistance of the Contractor:
 - a. An evaluation of the effect of the proposed post development conditions on the volume of runoff, peak discharge and time to peak;
 - b. A Sedimentation and Erosion Control Plan must be prepared for the site;
 - c. A detailed analysis of the potential impacts of the proposed solar system and structures on the cap, leachate collection system, and side slopes, and an analysis of their stability and load bearing capacity. This should include the load on the liner of the equipment and vehicles used to install the system.
2. An operation, monitoring, and maintenance manual will be prepared for the solar array and landfill cap;
3. A Health and Safety Plan must be prepared for the project;
 - a. A supervisor overseeing construction must be HAZWOPER 40-hour certified and must provide training to laborers of site hazards;

4. A detailed description of utilities proposed to be installed (including proposed connections to the utility grid for the project) that are on or in the vicinity of the site will be prepared and must be approved by RIDEM;
- 5. The solar array will need to be designed as a ballasted system. Driven posts will not be allowed due to the landfill cap;**
6. Any waste encountered during the construction will be required to be identified and disposed of off-site at a licensed facility such as Central Landfill;
7. The solar array design must not alter the landfill gas collection system or monitoring points and must allow access to these monitoring points (e.g., at a minimum monitoring points must not be covered by panels). A setback from these vents may be required by RIDEM;
8. There are groundwater monitoring wells present outside of the landfill footprint. These monitoring wells are sampled on a quarterly basis. Access to these wells must be maintained and access provided to the Town of Hopkinton and/or their representatives, and RIDEM. In addition, these wells must be protected during construction;
9. Any land clearing for either access around the perimeter of the landfill or to remove shading trees must comply with wetland and property line setbacks;
10. During construction, erosion control around the perimeter of the landfill must be employed;
11. An Environmental Land Usage Restriction Plan and Soil Management Plan are in the process of being prepared for the property. Any site work must comply with these plans;
12. Every structure, inverter, transformer, and/or conduit trenches located on or in close proximity to the landfill has the potential to become a new “landfill gas receptor”. Therefore all structures shall be on raised crushed stone pads to mitigate the potential for landfill gas accumulation, and may require vapor barriers and/or venting systems. To the extent feasible utility lines should be located aboveground when on or in close proximity to the landfill to prevent landfill gas accumulation and create a safety hazard. If necessary to be placed below ground, utilities must be sealed and day-lighted to prevent landfill gas accumulation. Any new structures on or in close proximity to the landfill would need to be added to the landfill gas monitoring program;
13. To the extent possible, load limits of the landfill cap must be taken into consideration. For example, high weight trucks, cranes, and/or equipment may not be able to be driven upon the landfill cap. Equipment such as track-mounted skid steers and/or bobcats are better suited to disperse load.

The Town of Hopkinton reserves the right to extend the Agreement with the selected respondent for a Phase II solar expansion after the first solar system is installed under the REG Program after a twenty-four (24) month grace period, per the requirements of the REG law.

I hereby certify that I have read and agree to these Bid Requirements and Instructions and Minimum Bid Specifications.

Date: _____ Name: _____
 Company Name: _____
 Company Street Address: _____
 City/Town/State: _____

BACKGROUND INFORMATION ON TOWN LANDFILL

Address of Landfill – 0 Stubtown Road, AP 13, Lot 27

Total Acreage of the Property – 52 Acres

Approximate Phase II Landfill Area Footprint – 9.5 Acres

Note, the solar project will be located on what is commonly referred to as the “Phase II” landfill, which has an impermeable membrane cap.

Historic Use of the Landfill – The Landfill operations began in 1965 on the Phase I area which straddles the town-owned property and the adjacent property to the east owned by the Crooker family (AP 13 Lot 26). In 1981, the Phase I area reached capacity and was closed. At that time DEM granted the town permission to shift landfill operations to the Phase II area, located entirely on the town-owned parcel (AP 13 Lot 27). This Phase II area (e.g., 9.5-acres), is the part of the overall property in which the solar array is to be constructed.

When was the Landfill Capped? – The Phase II Landfill was capped circa 2005. Cap description is as follows:

Description of Cap and Features – RIDEM approved a landfill cap consisting of the following: a 12” grading layer overlying the landfill waste area, a 60 mil HDPE Membrane, 14” soil protective layer, and 4-6” of topsoil. There are 20 gooseneck PVC gas vents which extend through this cap and approximately 10 feet into the waste layer to allow for venting of landfill gasses. These locations are denoted on the attached Figure. These vents must be maintained.

In addition to the gas vents, there are 18 sediment basins ranging in size of 400 cubic feet to 4000 cubic feet which need to be maintained and cleaned as part of regular cap maintenance.

Any conservation easements that surround the landfill or along the road to and from the landfill? - Stubtown Road is a town road. Property on the western border of the landfill is owned by the Nature Conservancy, as well as the properties to the south of the subject parcel. Property on the opposite side of the street from the landfill is owned by the Audubon Society. The property east of the Phase II Landfill parcel is owned by the Town of Hopkinton, part of which contains the Phase I landfill.

Property on the north side of Stubtown Road near the intersection of Canonchet Road is owned by the State of Rhode Island. Property on the south side of Stubtown Road near the intersection of Canonchet Road is owned by the Nature Conservancy.

There are no known easements along Stubtown Road which would prevent construction of power lines.

APPENDIX A

Letter of March 19, 2019 from RI Department of Environmental Management to Hopkinton
Town Planner may be found in Appendix A

APPENDIX B

Photovoltaic Solar Energy System Ordinance Chapter 246 may be found in Appendix B

APPENDIX C

Post Closure Environmental Status Report (December 2019) may be found in Appendix C

APPENDIX D

Post Closure Environmental Monitoring Report (October 2019) may be found in Appendix D

BID DOCUMENTS TO BE SUBMITTED

The following documents must be completed and submitted on or before the submittal deadline for the bid to be considered complete:

1. Bid Sheet;
2. Anti-Collusion Affidavit;
3. Respondent's Statement Regarding Insurance Coverage;
4. Respondent's Statement of Experience;
5. A signed copy of the Bid Requirements and Instructions, and
Minimum Bid Specifications.

Experience Additional information to be provided:

1. If incorporated, the State in which the company is incorporated and the date of incorporation;
2. Company background/history;
3. Location of the company offices;
4. Number of employees both locally and nationally;
5. Location(s) from which employees will be assigned;
6. Name, address, and telephone number of the respondent's point of contact for any contract that may result from this proposal;
7. Length of time responder has been involved in the solar industry. Please provide a brief description;
8. Past Rhode Island solar installations and/or examples of prior solar installations.

BID SHEET

HOPKINTON LANDFILL SOLAR PROJECT

Annual Lease Bid Price during development:

\$ _____

Annual Lease Bid Price once system becomes operational:

\$ _____

Respondent herein agrees to abide by all requirements, as enumerated in this Request for Proposals for the Town of Hopkinton Landfill Solar Project.

PROPOSAL BY:

(Company Name)

(Street Address)

(City/Town) (State) (Zip)

Name

Title

Email

Date

ANTI-COLLUSION CERTIFICATE

(Sworn Affidavit)

Title 23, United States Code, Section 112 requires, as a condition precedent to approval by the Town Manager, that there shall be filed a sworn statement executed by, on behalf of the person, firm, association or corporation that they have not, either directly or indirectly, entered into any agreement, participated in any collusion or otherwise taken any action in restraint of free competitive bidding in connection with such contract. This sworn statement shall be in the form of an affidavit executed and sworn to by the **successful respondent** before a person who is authorized by the laws of this state to administer oaths.

**THE SUCCESSFUL RESPONDENT MUST COMPLETE
THIS CERTIFICATION STATEMENT**

County of _____,

I, _____ (name of party signing affidavit) _____ (title),

being duly sworn, do depose and say: On behalf of _____ (name of respondent),

of _____ (address)

that said respondent has not, either directly or indirectly, entered into agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding.

Printed Name of Respondent: _____

Signature of Authorized Respondent Representative: _____

Sworn to before me this _____ day of _____, 2020.

Signature and Seal of Notary Public _____

My commission expires: _____

**RESPONDENT'S STATEMENT REGARDING INSURANCE
COVERAGE**

RESPONDENT HEREBY CERTIFIES that the respondent has reviewed and understands the insurance coverage requirements specified in the Request for Proposals for the HOPKINTON LANDFILL SOLAR PROJECT.

The successful respondent's authorized representative certifies that the respondent can meet the herein specified requirements for insurance and agrees to provide the Town of Hopkinton with a certificate of insurance which names the Town of Hopkinton as an Additional Insured for the work specified.

Insurance Required:

- Comprehensive General Liability Insurance of at least \$1,000,000.00
- Automobile Liability Insurance of at least \$1,000,000.00
- Umbrella Liability Insurance of at least \$5,000,000.00
- Employer's Liability Insurance of at least \$1,000,000.00
- Workers Compensation in compliance with statutory requirements

Name of Respondent (Person, Firm, or Corporation)

Signature of Respondent's Authorized Representative

Name & Title of Authorized Representative

Date of Signing

EXPERIENCE OF RESPONDENT

The following experience sheet shall be completed by respondents or they may substitute their own Experience Sheet with their bid documents. Any bid submitted without a fully completed Experience Sheet will be rejected.

Have you ever failed to complete any work awarded to you? _____
Yes/No

If so, please explain the reasons:

What three (3) similar projects has your company completed within the last five (5) years?

DESCRIPTION	DATES	CONTRACT AMOUNT	CUSTOMER CONTACT	CUSTOMER TELEPHONE

I hereby certify that the respondent has performed the work listed above.

Signature of Respondent or Respondent's Authorized Representative

NOTICE OF AWARD

TO: _____

HOPKINTON LANDFILL SOLAR PROJECT

The Town has considered the proposal submitted by you, dated _____, for the above-referenced lease in response to its Request for Proposals (RFP).

You are hereby notified that your proposal has been accepted in the amount(s) shown on the Bid Sheet.

Dated this _____ day of _____, 2020

TOWN OF HOPKINTON, RHODE ISLAND

BY: _____
William A. McGarry
Town Manager

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged on this _____ day of _____, 2020.

BY: _____

TITLE: _____

COMPANY NAME: _____

The Town of Hopkinton, RI is currently seeking sealed proposals for:

HOPKINTON LANDFILL SOLAR PROJECT

The Town of Hopkinton is seeking sealed bids for a proposed lease agreement from experienced renewable energy companies to plan, permit, design, install, finance, operate and maintain a solar PV project (“the Project”) on a portion of the former Town landfill on Stubtown Road (AP 27 Lot 13). Upon acceptance of a proposal deemed to be in its best interests, the Town will proceed to rezone the Stubtown Road parcel enabling the project to move forward. The Request for Proposals may be accessed through the Town’s website: www.hopkintonri.org.

There will be a pre-bid meeting and site inspection on Thursday, October 1, 2020 at 10:00 a.m. at the Stubtown Road Landfill Phase II site for bidders to gather all information needed for their respective bids. This meeting will comply with all State and Town COVID-19 directives, including the wearing of face masks and proper social distancing.

The Town reserves the right to reject any or all bids. Bids are due in the Town Clerk’s office at Hopkinton Town Hall, 1 Town House Road, Hopkinton, RI 02833 on Thursday, November 5, 2020 by 3:00 p.m. Any bid received after this date and time will be returned unopened. Bids will be opened and read aloud at 3:15 p.m.