



Request for Qualifications ACMUA Floating Solar Photovoltaic Systems

To Finance, Design, Construct, Install, Operate, and Maintain Floating Solar
Generation at Facilities Owned and Operated by the Atlantic City Municipal
Utilities Authority Located in New Jersey

May 21, 2018

Section A: Introduction

A.1 General Overview

The Atlantic City Municipal Utilities Authority (“ACMUA”) is a public body corporate of the State of New Jersey which was created by an ordinance of Atlantic City and adopted September 14, 1978. With the exception of a limited number of private wells, the ACMUA is the sole source of drinking water to the citizens and businesses of Atlantic City. The ACMUA receives its source water from a combination of groundwater sources (wells) and surface water from the Kuehnle Pond (“Upper reservoir”) and the Doughty Pond (“Lower reservoir”). Water from these sources enters the ACMUA Treatment Plant in Pleasantville, NJ via gravity where it is treated and pumped into Atlantic City via two 48” mains. The electric energy costs for treatment and distribution total approximately One Million (\$1,000,000) annually. Where water based floating solar systems have been installed in the United States and abroad, they have been shown to have an extended service life over rooftop systems which tend to experience problems linked to overheating. Due to the cooling effect of a water based placement, water mounted photovoltaic systems can use silicon solar cells. Unlike standard more expensive cells, silicon solar cells allow a higher efficiency achieving both reliability and cost reduction. . Floating Solar installations have proven to be able to withstand high winds without impact. Moreover, floating solar panels collect a large portion of sunlight cast upon reservoirs and thereby reduce the amount of organic growth in the water. Reduced organic growth is an anticipated benefit the ACMUA would capture toward subsequent water treatment processes.

A.2 Scope of Services

The ACMUA hereby invites interested professional firms and developers (collectively, “Developers”) to submit a Statement of Qualification for providing financial, design, construction, installation, operations, and maintenance services for new floating solar generation at reservoirs owned and operated by ACMUA, and in particular a Floating Solar Photovoltaic system (“Solar System”) to be located on the ACMUA Lower Reservoir (aka Doughty Pond – 225 acres) located at, Absecon, New Jersey.

The ACMUA seeks a qualified partner (“Developer”) to finance, install, operate, and maintain the Solar System (the “Project”). The ACMUA’s goals include increasing its renewable energy use and increasing revenue. As such, the ACMUA intends to work with the Developer to provide information needed so the Developer, at its expense, can complete an interconnection study, and subsequently establish a letter of intent, lease option, or lease agreement, and a power purchase agreement (“PPA”) with the ACMUA, and will further be required to reimburse the ACMUA for its reasonable legal and technical expenses in connection therewith. It is the ACMUA’s intention to afford the Developer maximum flexibility in constructing the largest feasible Solar System with the express understanding that Developer will be required to obtain all necessary approvals and financing for such Solar System. Developers interested in submitting proposals for the development of the Solar System are required to fully respond to this RFQ.

A.3 Schedule

The anticipated schedule for the Project is listed in Table 1. ACMUA maintains the right to adjust the schedule at its sole discretion.

Table 1: Anticipated Schedule

Event	Anticipated Dates
Issue Request for Qualifications (RFQ)	May 20, 2018
Responses to RFQ Due	June 20, 2018
Evaluation Period	June 20, 2018 – July 20, 2018
Notification of Award	August 1, 2018

A.4 Attachments

Exhibit A: Required Disclosure Forms and Certifications

A.5 Primary Contact

Atlantic City Municipal Utilities Authority
401 No. Virginia Avenue
Atlantic City, NJ 08401
Attn: G. Bruce Ward
Fax (609) 345-7055
bward@acmua.org

A.6 Non-Discrimination

The ACMUA is firmly committed to providing full and equal business opportunities to all persons regardless of race, color, religion, gender, national origin, age or non-job related disability. In that regard, the Atlantic City Municipal Utilities Authority will affirmatively assure that minority and female-owned business enterprises are afforded equal opportunities to submit bids and/or proposals for consideration for all purchases and contracts issued in connection with this project. Prospective proposers should understand that the participation of certified MBEs and WBEs is a matter of great interest in the evaluation of all proposals. In the event the Developer is an MBE or WBE it should so indicate.

Section B: Statement of Qualification Requirements

To achieve a uniform review process and obtain the maximum degree of comparability, it is

required that Statement of Qualification (SOQs) include the following basic format:

B.1 Cover Letter

The signed Cover Letter should be on company letterhead clearly stating the name of the Developer, its business address, telephone numbers, and e-mail address. The Cover Letter shall include an executive summary of the Statement of Qualifications.

B.2 Narrative

The Narrative shall succinctly discuss the general team information, technical overview, and financial methodologies, and shall conform to the following submission requirements:

- **Firm Profile** - The following information must be included:
 - Organization Name
 - Information identifying organization as a parent company, subsidiary, division, or branch of another organization, if applicable
 - Type of Firm (e.g. corporation, partnership, sole ownership, joint venture, limited liability company, etc.)
 - Address, City, State, Zip Code
 - Name, Title, Contact information for the primary point of contact
 - Year firm was established
 - Any associated subcontractors or partners that would be involved with this Project
 - Representation of financial capabilities

- **Qualifications** – Developers must address both their experience and abilities with the following:
 - Experience to install, sell, manage, operate / maintain, repair, dismantle, and decommission a photovoltaic solar energy array
 - Solar array developments specifically located on bodies of water, including the number of projects completed (or in process) to date, evidencing a minimum of five (5) years' experience
 - Project size and type (e.g. distributed generation or community solar)
 - Use of an open-book contracting approach
 - Ability to finance a solar development project
 - Seeking and obtaining federal, state, or local tax advantages and grant funding where available

- **Personnel** – Provide relevant experience and qualifications of the primary team members, including:
 - Name of individual(s)
 - Current job title(s)
 - Job responsibilities
 - Number of years with organization

- Primary office location
 - Educational background
 - Academic degrees, certifications, professional affiliations, relevant publications and technical training
 - Detailed description of the role and responsibilities this individual will have for the duration of this project
 - List of similar projects which individual has worked on in the past 24 months
 - Describe any other relevant technical experience
 - Indicate the total years of relevant energy-related experience for this individual
- Project History and Client References – Provide the following information as requested for no more than three (3) references:
 - Project name and location
 - Size of development in megawatts
 - Offtakers of power
 - Source of project financing
 - Roles performed by the Developer in the development
 - Construction start & end dates
 - Contract start and end dates
 - Current and accurate contact information for the projects representatives with whom the Developer did business on this project
- Financial Criteria
 - All Developers must provide information as requested below relating to their team’s financial ability to build, own (if necessary) and operate (if necessary) the solar power generation systems. Each Developer must demonstrate that it has access to capital on terms and conditions that will allow it to construct the systems on competitive terms. Developers will only be considered if they have proof of available financing necessary for the project.
 - Power Purchase Agreement (PPA): Describe the structure of its partnership with the financial partners it anticipates will be used under a PPA arrangement. If self-financing, describe the financing plan, the source of funding and number of projects that the prime firm has financed utilizing this methodology.

B.3 SOQ Disclosure Form

Proposals must also include the following standard legal documents that are attached in Exhibit A:

- New Jersey Business Registration Requirement
- Mandatory Equal Employment Opportunity
- Affirmative Action Regulations
- Non-Collusion Affidavit
- Stockholder Disclosure Certification
- American with Disabilities Act of 1990
- Proposal Forms (acknowledgement)
- Consent of Surety
- Equipment Certification
- Political Contribution Form and Certification

B.4 No Contact Policy

Prior to the Proposal Due Date and after receipt of Proposals by the ACMUA, and until the award of this Contract, no Proposer or subcontractor to Proposer shall contact or communicate, in any manner, with the following parties concerning matters directly related to this Contract:

- any official, employee or agent of the ACMUA, except in the manner described herein;
- any elected official or employee of Atlantic City Municipal Government
- any elected official or employee of New Jersey State Government.

All comments and questions (requests for information) concerning this Request for Proposal and the corresponding procedures and requirements must be addressed in writing, via US mail, or e-mail to the following:

Atlantic City Municipal Utilities Authority
 401 No. Virginia Avenue
 Atlantic City, NJ 08401
 Attn: G. Bruce Ward, Executive
 Director
 Telefax (609) – 345-7055
bward@acmua.org

All comments and questions, and the response by the ACMUA to those comments and questions shall be consistent with the Critical Dates indicated in Section A.3. The ACMUA will not be responsible for comments and/or answers received in any manner other than as described above.

Any contact violation of the above instructions shall be grounds for disqualification and/or rejection of a Proposal, and in the case of a subcontractor, the preclusion of that subcontractor providing services for the Project. Each Developer is responsible for notifying its prospective subcontractors of these instructions.

Section C: Submission of RFQ Response

Developers must submit qualifications to the ACMUA no later than 4:00 p.m. (EST) on June 20, 2018. Submissions are required to be in electronic format and can be submitted via email or by USB drive delivered to the ACMUA at the address listed below. It is the responsibility of the Developer to ensure that the ACMUA receives emails and/or deliveries by the stated deadline. All submittals become property of the ACMUA and will not be returned to the Developer. Please note that all or portions of the submittal may be subject to release under the New Jersey Open Public Records Act, P.L. 2001, c. 404. To the extent Developers believe any portion of its submission qualifies as confidential, it shall so label such document

Submittals will be evaluated based on the quality and suitability of criteria required under Section B (Statement of Qualification Requirements). Submittals will be evaluated solely at the discretion of the ACMUA and the ACMUA retains the right to accept or reject partnering with any or all Developers.

EXHIBIT A.

AMERICANS WITH DISABILITIES ACT OF 1990 Equal Opportunity for Individuals with Disability

The contractor and the Atlantic City Municipal Utilities Authority of Atlantic City, NJ , (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. 5121 01 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

The owner shall, as soon as practicable after a claim has been made against it, give written notice thereof to the contractor along with full and complete particulars of the claim. If any action or administrative proceeding is brought against the owner or any of its agents, servants, and employees, the *owner shall* expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading, or other process received by the owner or its representatives.

It is expressly agreed and understood that any approval by the owner of the services provided by the contractor pursuant to this contract will not relieve the contractor of the obligation to comply with the Act and to defend, indemnify, protect, and save

harmless the owner pursuant to this paragraph.

It is further agreed and understood that the owner assumes no obligation to indemnify or save harmless the contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the contractor's obligations assumed in this Agreement, nor shall they be construed to relieve the contractor from any liability, nor preclude the owner from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.

Owner Signature: _____

Date: _____

Title _____:

EXHIBIT A

N.J.S.A. 10:5-31 and N.J.A.C. 17:27

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

**Goods, Professional Services and General Service Contracts
(Mandatory Affirmative Action Language)**

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting for the provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with

N.J.A.C 17:27-5.2 or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan
Approval Certificate of Employee Information
Report Employee Information Report Form
AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance and EEO as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

EXHIBIT A. AFFIRMATIVE ACTION COMPLIANCE NOTICE

N.J.S.A. 10:5-31 and N.J.A.C. 17:27

**GOODS AND SERVICES
CONTRACTS (INCLUDING
PROFESSIONAL SERVICES)**

This form is a summary of the successful bidders requirement to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.

The successful bidder shall submit to the public agency, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

(a) A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);

OR

(b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4;

OR

(c) A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) from the contracting unit during normal business hours.

The successful vendor(s) must submit the copies of the AA302 Report to the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The Public Agency copy is submitted to the public agency, and the vendor copy is retained by the vendor.

The undersigned vendor certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27 and agrees to furnish the required forms of evidence.

The undersigned vendor further understands that his/her bid shall be rejected as non-responsive if said contractor fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.

COMPANY: _____ Signature _____

PRINT NAME: _____ TITLE: _____ DATE: _____

EXHIBIT A.

EQUIPMENT CERTIFICATION

The undersigned Proposer certifies as follows:

The Proposer owns or controls all the necessary equipment required to accomplish the work described in the specifications

List of equipment: _____

Name of Proposer: _____

By: _____

(Signature)

Name of above: _____

(Print)

Title:

Date: _____ Stockholders Information

PROPOSER SHALL SIGN, COMPLETE AND SUBMIT THIS FORM WITH PROPOSAL.

EXHIBIT A.

Chapter 33 of the Public Laws of 1977 (N.J.S.A. 52:25-24.2) provides in pertinent part that no partnership or corporation shall be awarded any state contract for the performance of any work or the furnishing of any materials or supplies unless, prior to the receipt of the bid or accompanying the bid of said partnership or corporation, there is submitted a statement containing the following information.

1. If the bidder is a partnership, then the statement shall set forth the names and addresses of all partners who own a 10% or greater interest in the partnership.
2. If the bidder is a corporation, then the statement shall set forth the names and addresses of all stockholders in the corporation who own 10% or more of its stock of any class.
3. If a corporation owns all or part of the stock of the corporation or partnership submitting the bid, then the statement shall include a list of stockholders who own 10% or more of the stock of any class of that corporation.

Proposer shall complete ONE of the following statements; check appropriate box and sign below.

Stockholders or Partners owning 10% or more of the company submitting RFQ

Name: _____
Home Address _____

Name: _____
Home Address _____

Name: _____
Home Address: _____

Name: _____
Home Address: _____

No Stockholder or Partner owns 10% or more of the company.

Signature_____

An individual who operates as a sole proprietor is submitting the RFQ.

Signature_____

EXHIBIT A.

Registering a Business with the New Jersey Department of Treasury

Business organizations or individuals doing business in New Jersey are required to register with the Department of the Treasury, Division of Revenue. Registration is free and is a one-time action - there are no fees to register. However, you should update your contact and tax eligibility information as needed.

Registration is required to conduct most business with any state, county, municipal, local board of education, charter school, county college, authority, or state college or university. The contracting agency may be required to have a copy of the "proof of registration certificate" submitted as part of a public bid or prior to issuing a purchase order.

To register: Businesses must complete Form NJ-REG and submit it to the Division of Revenue. The form can be filed form online or by mailing a paper form to the Division. Online filing is strongly encouraged.

Register online at www.nj.gov/treasurv/revenue/taxreg.htm. Click the "online" link and then select "Register for Tax and Employer Purposes."

Download the paper form and instructions at www.nj.gov/treasurv/revenue/revprnt.htm.

Call the Division at 609-292-1730 to have a form mailed to you.

Write to the Division at: Client Registration Bureau, PO Box 252, Trenton, NJ 08646-0252.

Note: If you operate a corporation, limited partnership, limited liability company or limited liability partnership, before registering, you must obtain legal authority to operate in the State of New Jersey. Generally, this is accomplished by filing an original business certificate with the Division of Revenue, such as a Certificate of Incorporation or Formation. For more information on this subject, visit

www.nj.gov/treasurv/revenue/filecerts.htm, or call 609-292-9292.

Registering as an individual: There is a simplified registration process for individuals doing business with any New Jersey government agency. The form (NJ-REG-A) may be on the back of this form. If not, it can be downloaded from the web at www.nj.gov/treasurv/revenue/pdforms/rega.pdf. To obtain a copy by mail, call 609-292-1730, or write to the Division at the Client Registration Bureau, PO Box 252, Trenton, NJ 08646- 0252.

Questions about the registration process? Call 609-292-1730 or submit by e-mail at www.nj.gov/treasurv/revenue/revcontact.html.

How do I receive the proof of registration certificate?

New registrants. When completing Form NJ-REG, make sure you answer "Yes" to the contractor/sub-contractor question (Online - Item 17; Paper Form - Item 18). The Division of Revenue will mail the certificate to the mailing address you supply on your registration form.

Previously Registered Businesses. Call 609-292-1730 and select option 3. The Division of Revenue's service agents will take your order and mail you a certificate. Please allow 7 to 10 working days to receive your certificate.

Alternately, you may visit the Division's Client Registration Bureau in person and request a certificate. The address is 847 Roebing Avenue, Trenton, NJ 08611. Service desk hours are 8:30am to 4pm, weekdays, excluding holidays.

What information does the proof of registration contain? The certificate displays the following information: Business Name, Trade Name (If Applicable), Tax Payer ID (Usually the Employer Identification Number), Business Address, Contractor Certification Number (State Issued), Certification Issuance Date, Effective Date (Business Start Date Entered on Form NJ-REG).

EXHIBIT A.

Non-Collusion Affidavit

**ATTENTION: THIS FORM MUST BE
NOTARIZED**

**COMPLETE, SIGN, NOTARIZE AND RETURN THIS FORM WITH YOUR
BID PROPOSAL. FAILURE TO DO SO WILL ELIMINATE YOUR
PROPOSAL FROM CONSIDERATION.**

STATE OF NEW JERSEY: COUNTY OF:

I, _____ of _____

I am, _____ of the Firm _____

the proposer, making the Proposal for the herein Project, and that I executed the said Proposal with the full authority to do so.

I warrant that no requirement or commitment was made in reference to any political contribution, to any party, person, or elected official and that no undisclosed benefits of any kind were promised to anyone connected with the Atlantic City Municipal Utilities Authority or any political party hereto.

I further warrant that no person or selling agency has been employed or retained to solicit any contract upon an agreement for a commission, percentage, brokerage or contingent fee, except bona fide employees or agents of the proposer.

Signature of Affidavit (Proposer)

Sworn and subscribed to me this _____ day of _____ 2018

By _____
Notary Public

My Commission Expires

}SS

