



Phase II TCDER Microgrid Incentive Program – Questions and Answers #4 As of May 14, 2020

1. Question:

Will the submission date for the applications be delayed beyond the current deadline of May 8, 2020?

Is there any thought being given to a 2nd extension for the Phase-2 application submission?

Answer (previously provided by email dated 4/30/2020):

The question submittal deadline is extended to 5:00 PM EDT on May 1, 2020. The application submittal deadline is extended to 5:00 PM EDT on May 29, 2020. Any application that has been submitted as of the date of this Q/A may, at the discretion of the applicant, be withdrawn and resubmitted.

2. Question:

Are there any newly exposed priority areas that NJ BPU would seek to encourage (and possibly flow additional stimulus funds to) - for example on site energy storage or EV fleet support.

Answer:

No.

3. Question:

Currently, the anticipated level of funding to be received through this application is for a 30% concept design for the project. As the expected funding share for a project is currently unknown, and the costs associated with completing a 30% design are likely to exceed the funding provided, please provide additional detailed information about the anticipated level of funding and, more importantly, specific scope and deliverable expectations to be required with the award of such funding.

Answer:

Information regarding the anticipated level of funding, scope and deliverable expectations is contained in the Phase II TCDER Microgrid Incentive Program Application.

4. Question:

Can you provide any insight as to the security of the grant funds?

Answer:

Awards are always subject to availability of funds.



5. Question:

Section 2.2 & Appendix A:

The Phase II TCDER Microgrid Incentive Program Application states, *“The project submitted pursuant to this Application must conform to existing law, code and standing Board Orders”*, and, *“The applicant shall include with the application a brief narrative that explains how the project, as proposed, conforms with existing law, code and Board Orders.”*

As applicants are not in a position to hire a legal team to expeditiously review the full body of related laws, codes and Board Orders, can you please explain how the person signing Appendix A, such as a Municipal Administrator, is expected to affirm with confidence that their proposal covers all related laws so that he/she has no fear of exposing their municipality to retribution - or adverse evaluation - by making assertions about which they have limited knowledge and resources to validate?

Or please clarify If the intention is to simply provide a description of the basis for why we believe the proposed project is legally permissible and that the municipality will not be held liable for any opinions it expresses relating to the legality of microgrids.

Due to the unprecedented nature of the effort, and the complexity of the issues, it is simply not possible for a Municipal Administrator or other municipal employee to certify that any microgrid is legally permissible in the State of New Jersey.

Answer:

The goal of this provision is to ensure that Applicants do not prepare designs for a microgrid project that are inconsistent with existing state law and thus could not be built. Staff recognizes that there is some ambiguity in current law and we clarify that the goal of the certification is not to require a formal attorney opinion letter or to subject the certifying agent for an applicant to liability for expressing a good faith opinion that a particular microgrid design is allowable under current law. For example, the design may incorporate an approach where the legality is unclear under existing law, and may be dependent on other aspects of the project design. The narrative portion of the response is designed to allow the applicant to discuss these legal issues and encourage Applicants to focus on designs that avoid legal challenges that could delay the project, as well as certify to the truthfulness of their submittal. Applicants may also submit a petition to the Board if necessary to address issues of first impression related to the development of these microgrids.

6. Question

Please clarify the meaning of the word “design” in criteria 3.4.1 and 3.4.2.



In 3.4.1 does the term “proposed design” refer to the microgrid design presented in the Phase 1 Feasibility Study or the design effort to be completed in the Phase II TCDER Incentive Program (e.g. the development of 30% design documents)?

In 3.4.2 does “total design cost” refer to the microgrid design presented in the Phase 1 Feasibility Study or the design effort to be completed in the Phase II TCDER Incentive Program (e.g. the development of 30% design documents)?

3.4.1. The total estimated cost of the proposed design

3.4.2. The amount of the total design cost requested from the NJBPU (In-kind or prior cost contributions will not be considered)

Answer:

The term “proposed design” in both 3.4.1 and 3.4.2 refers to the design effort to be completed in the Phase II TCDER Incentive Program.