

Project #A1322-01 Edna Mahan / Hunterdon Developmental Solar PPA

Bulletin D

Revised 2020-6-11

STATE OF NEW JERSEY DEPARTMENT OF TREASURY
DIVISION OF PROPERTY MANAGEMENT AND CONSTRUCTION
PO BOX 034, TRENTON, NJ 08625-0034

PROJECT#: A1322-01 Edna Mahan / Hunterdon Developmental Solar PPA

A/E: Mott MacDonald

DATE: September 30, 2020

BULLETIN D

Bidder must acknowledge receipt of this Bulletin on bid form in the space provided therefor.

This Bulletin is issued for the purpose of amending certain requirements of the original Contract Documents, as noted hereinafter, and is hereby made part of and incorporated in full force as part of the Contract Documents. Unless specifically noted or specified hereinafter, all work shall comply with the applicable provisions of the Contract Documents.

- I. **Bid Due Date Extension** – The Bid Due Date has been extended to **October 22, 2020**, no later than 2pm.
- II. **Important Additions to be Noted:**
 - A. The NJDOC requires additional lighting for general security purposes within the ground mounted fenced solar fields in proximity to the buildings on the campus. These areas include: A, B, D, & G. The extent of this additional lighting scope requires a minimum 1 foot-candle of light **for the entire** developed area. Under and above the arrays.
 - B. See the mandatory requirement for a project schedule to be submitted with the Bid Proposal. Details for this requirement described in question #19 answer below.
- III. **Clarification** - With regard to a vendors request or approval to cut trees down on campus, there are no known restrictions at this time. The vendor must comply with all current, NJDEP - Division of Forestry Regulations and required approvals, (including No Net Loss) as of the time of bid. Any necessary stump removal from a cut tree, may require inclusion of the task as part of the county soil conservation district permit application.
- IV. **Questions from Vendors:**
 - A) Questions from SunPower Corporation Systems
 1. The utility load data shows a significant drop for the two months, 7/19/19 – 8/19/19 when there was only 1,791 kWh consumed and 8/20/19 – 9/18/19 when there was only 602,210 kWh consumed. Is it fair to say these numbers are in error, given than the 3rd-party supply values for the same period are significantly higher?

Answer: In an attempt to correct this claimed billing anomaly, JCP&L has provided a usage report from Sept 2018 through August 2020. (See Attachment A1 of this Bulletin). In addition, JCP&L has provided

interval data from May through November 2019, which includes the time-period in question. (See Attachment A2 of this Bulletin).

2. Is there a co-gen plant on site?

Answer: No. The active Noresco plant that is on-site is a boiler plant. The SOLAR gas turbine was removed in 2019. There are no plans for CHP during the PPA term at this site.

3. What kind of backup generation does the site have? Are the generators run only in case of blackout, or do they ever run when the grid is up?

Answer: There were new diesel generators installed on site in 2019 under DPMC project number A1209-00. Although Attachment 3 of Bulletin A included the E-1 drawing July 2018 one line Diagram for this project, we have included the set of A1209 drawings for reference. (See Attachment A3 of this Bulletin). The generators do not run when the grid is up, other than when there is preventive maintenance or testing scheduled for the generators themselves.

4. On the campus map (Attachment 4):

a) The Legend's "Buildable Area" has no symbol. Are we to assume the Buildable Area are the areas bounded by the fence line?

Answer: Mott Macdonald has reissued GA-001 Rev E with clarifications within the legend addressing this concern. (See Attachment A-4 of this Bulletin).

b) Why do Areas H and I seem to leave a significant portion of the land inside their fence lines uncovered by solar arrays? Why do the fence lines themselves seem to exclude large parts of the property, e.g. the land to the northeast of Area I or the land between Area H and the large wetland setback line?

Answer: These areas are available for development but were excluded in the preliminary layout due to slope constraints.

c) Is the parking lot adjacent to Area G available for a solar carport? The carports shown in Area F could be problematic because of the curved layout of the parking spaces and in Area C may be too small to generate economies of scale. Carport does benefit from receiving 100% of NJ T-RECs vs ground systems only receiving 60%.

Answer: The parking lot by Area G is NOT to be developed with carports. The agency was not in favor of offering this parking lot for solar development. It is expected that the developer will use their experience and expertise to provide the most efficient method in dealing with the challenges of the curved lot of Area F. The best value vendor will have the opportunity to describe their plan for this condition in the post bid interview describing restriping possibilities or segmenting the curve to limit the loss of spaces within the lot. In response to the Area C comment, the carports are only "required" to be part of the alternate bid pricing. If a vendor wants to include the carports as part of their base bid plan, as if it will not impact the best value rate, they have the freedom to do so.

- d) Why not consider a rooftop system on the single largest roof (colored brown) in Hunterdon Development Center? Like carports, roofs receive 100% of T-RECs while ground systems only receive 60%. If the roof is in need of repair, it is possible to include a new roof as part of the PPA so there will be no capital expense to NJ.

Answer: In discussion with both agencies, the State is not interested in rooftop solar at this site.

- e) Is it the intention that all Areas solar should tie-in at the “Proposed POI” between Areas H and I?

Answer: The interconnection point is between the vendor and JCP&L.

If so, that represents a very long (and expensive) AC run from many locations.

- i. At what voltage do you anticipate the solar tying in at the Proposed POI?

Answer: Bidders are welcome to propose alternative interconnection based on their designs. JCP&L mentioned the possibility of 35kV to a meter in the solar vendor’s substation.

- ii. Is the facility being metered at the Proposed POI location? Is this single meter responsible for the total load from both the facilities (Correctional facility and state school)?

Answer: No. The facility is not being metered at the POI location. The location of the meter that is responsible for the total load from both facilities has been identified on the reissued drawing GA-001 Rev E. (*See attachment A-4 of this Bulletin*)

- iii. There is an existing Overhead line running within the campus that seems to be originating from the proposed POI location, can we interconnect solar to these overhead lines?

Answer: The interconnection is between the vendor and JCP&L. JCP&L indicated that it is prohibited to hang off their poles. It is recommended for the interconnection point to be outside the secured area, as there may be equipment installed that needs to be maintained / monitored and communicate out. **No network or cellular devices are allowed within the secured area.**

5. Single lines (Attachment 3) point out to the power house. Do you have single lines for the proposed POI location that you could share with us?

Answer: No. This substation adjacent to the proposed POI is owned and operated by JCP&L. Any information would be provided from the utility themselves. As a standard for JCP&L, it is prohibited to touch or connect to their equipment in their substation or hang cabling from JCP&L owned poles. To share recent discussion with JCP&L regarding a high level view of the project and possible interconnection...and simply estimating on the >10MW size of system alone, as long as there is the ability to tap the 35kV ahead of the sub-station (based on the study performed by the utility after the award), it is possible that a 3 switch tap off the 35kV may need to be installed by JCP&L and a run to the Solar Vendors Substation (location determined by Vendor & approved by owner) where the new GST meter is installed and necessary equipment such as transformers with customer required voltage regulators to address the voltage drop to the 12kV that is currently serving the facility. The customer owned substation/equipment must meet the FirstEnergy requirements for transmission connected facilities. At this time, a connection at 34.5 kV is the most likely

We would like this single line to highlight

- a) The switchgear with a demarcation of ownership between the utility and your facility?
- b) Location of the utility meter if any
- c) Ampacity and Voltage of the switchgear
- d) Rating of the main utility transformer feeding both the facilities
- e) Your choice of interconnecting within the gear so that all the bidders can assume the same.

Answer a thru e : In an effort to provide as much information as possible and interpreting the question as a request for information related to equipment adjacent to the existing meter, a Reuter Hanney Main Outdoor Substation Test Report 2016 has been provided. (See attachment A-5 of this Bulletin)

6. Would you consider term(s) longer than 20 years as a way to decrease the PPA rate?

Answer: No. The PPA term in compliance with the T3104 Bid Solicitation requirements are limited to the 20 years for State projects.

7. Since the property is zoned “institutional,” do you anticipate that this project will need a zoning/planning variance?

Answer: No. The State is not subject to local zoning or planning ordinances. The issuance of a State of NJ, Department of Community Affairs (DCA) construction permit for this project is contingent upon acquiring various prior approvals as defined by NJAC 5:23-1.4. It is the vendor’s responsibility (A/E) to determine which prior approvals, if any, are required.

8. Can you speak to the “Species Based Habitat Ranking” map in Attachment 7? Why are certain areas colored?

Answer: The colored areas represent species based habitat ranking, which would dictate potential transitions area widths, which potentially could be imposed by the NJ Department of Environmental Protection.

- a) What species are being protected?

Answer: The species of interest can be found in Table 1 in Attachment 7 under “Threatened and Endangered Species.”

- b) What hurdles does this create for solar in Areas H and I?

Answer: The approximate limits of Areas H and I have already accounted for this.

9. Can better resolutions of Attachment 9’s Figures 1 and 2 be provided? It’s difficult to tell where boring samples were taken.

Answer: Figure 1 is a general location key plan and is not applicable. Figure 2 area was described during the site visit and pointed out to be the area adjacent to the new generator installation. All bidders saw this location. That satisfies the question and a mark up of this figure will not be submitted.

10. Re: Attachment 11:

a) Where will the greenhouse be located? It's difficult to tell from the pdf.

Answer: The location of the greenhouse has been identified on the reissued drawing GA-001 Rev E .
(See attachment A-4 of this Bulletin)

b) When will the greenhouse and water treatment facility be start construction and come online?

Answer: M1519-00 (New Greenhouse Construction) is currently in construction, with an anticipated completion date of 10/29, though we expect that to be pushed out possibly 1-2 weeks based on some weather delays.

M1527-00 (Potable Water Treatment Upgrades) currently has a pre-bid date scheduled for 9/24. The A/E estimates 246 calendar days (~8 months) for construction. Assuming bid and award proceed timely, we would anticipate that construction will kick off sometime in November, and wrap sometime around July '21.

c) Do you anticipate these new facilities will increase the annual kWh load, such that we could design a larger solar array to offset the larger load? If so, by how many kWhs do you anticipate the annual load to increase?

Answer: No.

11. Do we understand correctly that the “base bid” is to include only ground mount arrays up to a maximum size whereby 100% of the site load is offset by solar and the sole “Alternate Proposal” is to include solar carports in Areas C and F (and potentially a slightly smaller ground system, so as not to exceed 100% of site load)?

Answer: The base bid may or may not include the carports. It is up to the bidder's economics and choice to include the carports in their base bid. The State is ultimately looking for the best value, which requires the best rate, while making sure the vendor maximizes the amount of power available for the State to purchase. The alternate bid “requires” the bidder to include the carports as part of their bid. The bid proposal form must be filled out completely or will be deemed non-responsive.

12. What organization will be the contract signatory?

Answer: Department of Human Services & Department of Corrections

13. Can we substitute the contract's License for a Lease? To finance projects, title insurance is required. To get title insurance, one must have a real property (i.e. land) interest, which is only obtainable from a Lease; a License only generates a contractual interest and is insufficient to obtain title insurance.

Answer: No. The site license process has been approved by the Attorney General's Office and that is all that will be granted at this time, unless modified by future bulletin.

14. A performance guarantee pays cash money for production shortfalls below the guaranteed kWh. The amount of money paid is summarized by this formula: (guaranteed kWh – actual kWh) x (utility rate – PPA rate). A performance guarantee in which the utility rate is very high is more expensive to provide than one in which the utility rate is fairly low. So we can determine what the cost for providing the performance guarantee is – and so you can make an apples to apples comparison across bidders – would you stipulate what \$/kWh utility rate we should use in Year 1, what escalator we should apply to it, and how frequently should be the settlement period – annually? Every 2 years? Every 5 years? [The longer the settlement periods, the lower your PPA rate will be.]

Answer: The baseline rate for Year 1 for the purpose of calculating the guarantee risk is \$.075331/kWh. This is the rate the State currently pays for the purchase of power from our 3rd party supplier and escalation should not be factored in, as an escalation rate does not exist in the current energy contract. The duration of the guarantee will be addressed in Bulletin E, as specific questions have been asked regarding guarantee requirements.

15. Given that NJ has not yet released the details of the T-REC’s “successor program,” how should we account for the risk this attaches to the PPA rate we submit? [We might suggest making an assumption that the successor program will be 80% of T-REC’s published values, with the same haircuts applied for ground projects. If the published incentive value differs from that, PPA rate bids may adjust accordingly.]

Answer: Taking into consideration the anticipated size of the system at this site, the posted presentation time-line of the final capstone report regarding the successor incentive structure, the rule proposal presentation to the BPU expected this winter, and the time duration for JCP&L to complete a study for this large system (which we were told is no less than 90 days), the State has decided to allow the Vendors to make their own business decision on the risk and expectations for the successor program. A clear comparison of the current T-REC program and successor program cannot be determined at the time of this bulletin, so any attempts for the DPMC to be creative on the bid proposal form to account for successor program expectations will not occur. The Total Rate that will be used for the evaluation in determining the best value vendor, must be provided on the formal bid proposal form. There will Not be rate negotiations or true-ups, after the fact or with any change to the incentives / programs following receipt of bids. The successor program incentive risk belongs to the vendor and we hope that there will be enough information posted on the clean energy website <https://njsolartransition.programprocessing.com/content/Home> prior to the bid due date for vendors to provide a responsible bid.

16. What evaluation criteria will be used for the bid?

Answer: The T3104 Exhibit 2 – Bid Evaluation Tool will be used first to find the best value group from all the bidders. This process filters the vendors in order with a combination of the best rate and size of the system being proposed. Following that analysis, the 3 best value vendors will be notified by the State to send digital copies of their plan and an interview will be scheduled with all 3 vendors on the same day. During the interview process the Vendor, State representatives and the project consultant will complete the T3104 Exhibit 5 - Post Bid Interview Certification specific for the project, which includes questions regarding feasibility of the plan, schedule, approach to interconnection agreement, energy yield, design, decommissioning security approach and warranty.

17. We understand that we should submit a hard copy only (and a bid bond). That leaves a fair amount of data entry for you to do in order to properly evaluate the bids. Would you like us to include an

electronic spreadsheet on a thumb drive? CD? Uploaded to a file sharing site? Sent over email? Just trying to reduce your workload and reduce the risk for fat fingering.

Answer: Thank-you for the suggestion. For this bid, we will proceed with the data entry from the hard copy submissions. Vendors will ONLY submit a complete and clearly filled out bid proposal form, schedule with at least the minimum required task detail and the required bid bond.

18. Interconnection costs from JCP&L cannot be known until an interconnection application is submitted to them (which would not be done until you have at least selected a solar partner) and they have taken several months to conduct their internal evaluations. These costs, to potentially upgrade their distribution network to handle the influx of additional solar generation, could run into the hundreds of thousands of dollars (or greater). May we assume that NJ will either pay these costs directly to the utility or they can be rolled into the PPA rate, such that the PPA rate increases? We doubt any bidders would take on this risk and hold their PPA rates constant, regardless of the interconnection costs.

Answer: All interconnection costs are to be included within the PPA rate provided by the Vendor, unless modified via future bulletin with a revised bid proposal form. Currently discussing the possibility of add/deduct unit pricing structure to impact the bid rate, based on the transparent final cost of the utility “fixed cost agreement” for the interconnect. It should be noted that, if implemented, the unit price would be a significant factor in determining best value to the State and as is standard on DPMC projects...can be negotiated prior to award.

19. 365 days between contract execution and COD for a project of this size is not feasible. Significant time must be spent pursuing zoning and building permits and securing interconnection agreements, and then long-lead items such as transformers need to be ordered. Can this time frame be extended to 20 months? Or a more reasonable estimate would be 365 days from the point of construction mobilization.

Answer: Zoning delays are not a factor, as answered in question #7. The Building permit review duration is dependent on the quality of your designer and communication with the DPMC plan review team. The construction on a large site such as this one allows for multiple crews, so that is also not a factor. The unknown and possible delay to the 365 day mandate could be the lead time for Vendor substation equipment. Time is of the essence for most State contracts and the Solar PPA is no exception. Since schedule is an important evaluation factor in determining the best value to the State, we are requesting that a project schedule as described below is to be included with the bid proposal form submittal. The State requires an overall project duration prior to award, to confirm an even playing field when evaluating vendor proposals and have a guaranteed date for savings to commence.

Schedule to be submitted with bid proposal form:

The contractor shall be responsible for preparing and submitting with the bid proposal form a Gantt chart progress schedule constructed using either Microsoft Project or a Microsoft Project compatible software [“Schedule”] for the project.

The Schedule must be furnished with the bid proposal form in paper format, but will be requested as a Microsoft Project file, if Vendor is found to be one of the top 3 best value vendors.

The Schedule shall fully describe the project work in sufficient detail to satisfy the State. The Schedule must be accurate in its depiction of all project activities including, but not limited to: (tasks not in order)

- i. Execute Site-Specific Contract
- ii. Site Plan Design & Structural Analysis
- iii. Possible courtesy presentation to local zoning board. This will not affect approval.
- iv. Interconnection Agreement (request study-project approval)
- v. Engineering & Design Phasing – schematic / design development / final / permit
- vi. Environmental Permitting
- vii. AHJ Permitting
- viii. Financing and Incentives Processing
- ix. Sub-Station Equipment Procurement
- x. Racking, module and inverter Procurement
- xi. Notice to Proceed
- xii. Racking Installation
- xiii. Module Installation
- xiv. DC & AC Electrical (inverters and wiring)
- xv. Substantial Completion
- xvi. Commissioning and Testing
- xvii. Inspections
- xviii. Meter Installation
- xix. Commercial Operation Date
- xx. Decommissioning Security Task - The requirements for when this is required is outlined in the site specific summary 3.1 L (1 & 2)

The Schedule shall, at a minimum, indicate in suitable detail, all significant features of the work or work activities to be performed, including the placing of orders and anticipated delivery dates for critical items, dates for submissions and approvals, all necessary inspections, the beginning and time duration for all tasks, predecessors and successors for each task, contract milestones, , the NTP, the dates of substantial and final completion of the work and significant Agency or State milestones, when applicable.

B) Questions from HESP Solar, LLC.

1. Can you expand on the role to be played by the DPMC Pre-qualified Design Consultants for this project.

Answer: To be clear on DPMC Pre-qualified Design Consultants, upon further review, this is **NOT** a requirement in the original RFP and therefore cannot be enforced and/or made mandatory in our mini-bids. It is encouraged to have a DPMC Pre-Qualified Design Consultant on the team, due to the familiarity with the DPMC plan review process and requirements.

2. Do all engineers working on the project need to be pre-qualified?

Answer: If you are referring to a DPMC pre-qualification for consultants, then No. It is encouraged to have a DPMC Pre-Qualified design consultant on the team, due to the familiarity with the DPMC plan review process and requirements

C) Question from Marina Energy, LLC.

1. We see that the GA-001 Rev D drawing shows the solar array area “I” is very sparse of modules as well as the north section of area “H” and middle section of area “G”. I understand the drawing is an early rendition and simply show areas available for solar, however can we get an explanation for why these three areas have open sections?

Answer: These areas are available for development but were excluded in the preliminary layout due to slope constraints. Vendors can development entire areas within the boundaries, if they choose.

D) Question from Forefront Power, LLC

1. I was hoping you could provide info on evaluation criteria for the bid. As all vendors have been pre-qualified are we to assume that the decision will be based 100% on price or are other factors to be considered as well?

Answer: The T3104 Exhibit 2 – Bid Evaluation Tool will be used first to find the best value group from all the bidders. This process filters the vendors in order with a combination of the best rate and size of the system being proposed. Following that analysis, the 3 best value vendors will be notified by the State to send digital copies of their plan and an interview will be scheduled with all 3 vendors on the same day. During the interview process the Vendor, State representatives and the project consultant will complete the T3104 Exhibit 5 - Post Bid Interview Certification specific for the project, which includes questions regarding feasibility of the plan, schedule, approach to interconnection agreement, energy yield, design, decommissioning security approach and warranty.

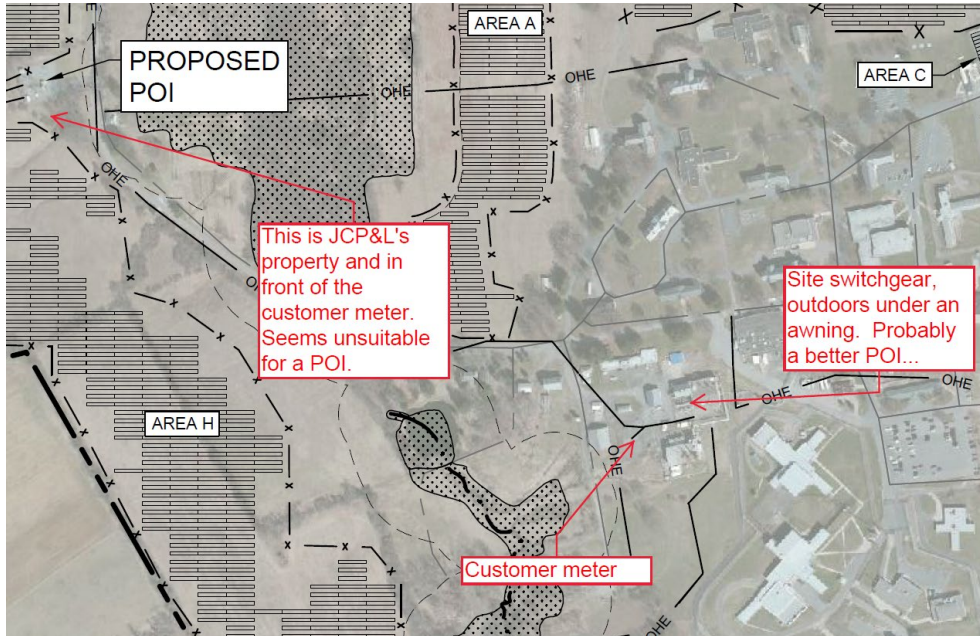
E) Question from Sol CES Projects, LLC

1. What should the owners name be on the Bid Bond?

Answer: Department of the Treasury, Division of Property Management and Construction

F) Question from SunPower Corporation Systems

1. Given the physical location of the electric meter and that this project is supposed to be behind-the-meter, why/how would we tie-in in-front-of the meter at the JCP&L main switchgear (which is not the State’s property)? Instead, may we tie-in at the State’s electric gear, located not far from and “behind” the electric meter, as visited on the site walk? Can you provide an electric single-line diagram for this gear?



Answer: The POI on the drawing is suggested but not required. To share recent discussion with JCP&L regarding a high level view of the project and possible interconnection...and simply estimating on the 10MW size of system alone, as long as there is the ability to tap the 35kV ahead of the sub-station (based on the study performed by the utility after the award), it is possible that a 3 switch tap off the 35kV may need to be installed by JCP&L and a run to the Solar Vendors Substation (location determined by Vendor & approved by owner) where the new GST meter is installed and necessary equipment such as transformers and customer required voltage regulators to address the voltage decrease to the 12kV that is currently serving the facility. To answer your question regarding a single line diagram, this has been provided on drawing E-1 of the A1209 project drawings.

G) Questions from DG Clean Energy Solutions, LLC

1. Is there a form of bid bond document stating the terms of the bond?

Answer: The AIA-A310 is the form to be used at a bond amount of \$10,000. To comply with other DPMC standards, the Bid bond shall be accompanied by a copy of the power of attorney executed by surety company or companies. The power of attorney shall set forth the authority of attorney-in-fact who has signed the bond on behalf of the surety company to bind the company and shall further certify that such power is in full force and effect as of the date of the bond. Attorneys-in-fact who sign bid bonds or contract bonds must file a certified power-of-attorney with the state indicating the effective date of that power.

2. Can you confirm the intent of the solar project is to supply electricity to Edna Mahan and HDC behind their electric utility meter?

Answer: It is the intent of this project to perform a behind the meter installation. The State depends on the vendors to provide the best value over the 20 year term. Depending on the size

of the system proposed, the State is not against an idea of a meter relocation by the vendor to achieve this goal.

3. Can you provide the location of the highest consuming electric meters and the location and ownership of the electrical equipment on the utility and customer sides of these meters? Based on the electricity data provided, the highest consuming electric meters look to be JCPL Meter # L014003810 and Champion Energy Service Meter # 08004766210000644162-ESP, which are showing an average monthly electricity use of 1,260,586 kWh and 1,149,000 kWh, respectively. Is this accurate?

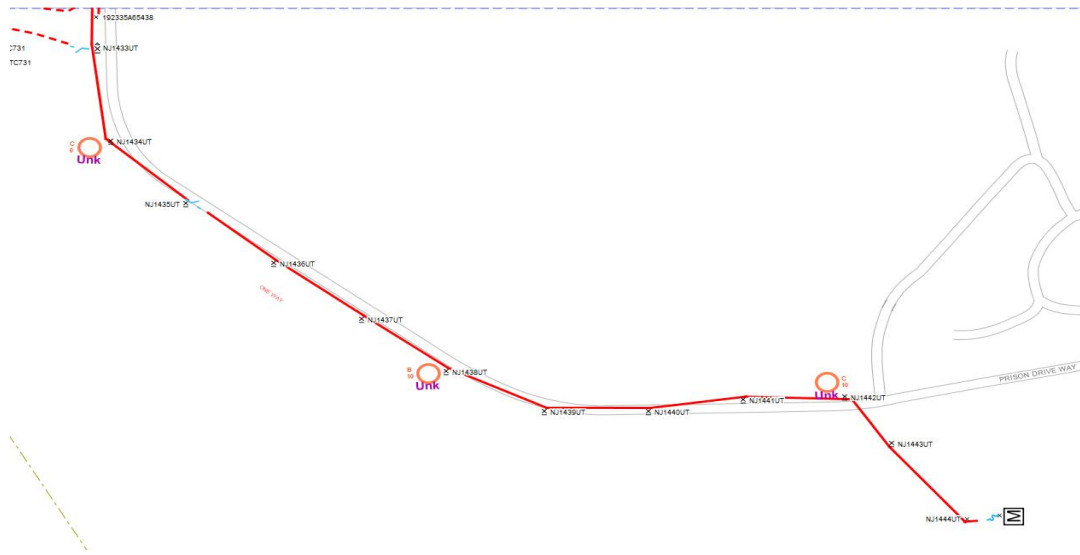
Answer: JCP&L has provided a usage report from Sept 2018 through August 2020. (*See Attachment A1 of this Bulletin*). Note that we started the purchase from the 3rd party supplier Champion in April 2019. The 3rd party supplier typically uses the utility meter for billing and does not have their own meter. On the attachment A1, you will see the overall electric consumption column in kWh for the site, measured at the L014003810 meter. It is Not accurate to add the 3rd party and utility usage together.

4. Does Edna Mahan / HDC have a maximum amount of electricity they want from solar? Based on an initial review of the electricity use, the solar project size could be limited by the annual on-site electricity use for a behind the meter solar project. Does Edna Mahan / HDC, want to set a maximum annual production limit for bidders in order to levelize proposals?

Answer: The vendor should review the electric usage data provided in the bulletins and design a system that allows the State to purchase the maximum amount of electric at the lowest rate to be consumed at this site. The State will not purchase excess generation and the vendor needs to be reminded that an ESIP project is on-going at the site, the LED lighting retro-fits are effectively complete. It appears that the amount of areas available for development, if fully developed, would exceed the electric consumption for the site. Following the commercial operation milestone on this current PPA bid, if an additional savings can be achieved and it is financially beneficial to both the Vendor and the State, we would consider a future bid to develop the remaining areas with other allowable available programs to export generation from the site. Those programs are not being considered at this time for the site, due to the complexity, prior approvals and duration to complete.

5. Can you delineate between the JCPL owned distribution equipment (in front of the electric meter) and the Edna Mahan / HDC owned distribution equipment (behind the electric meter) to help bidders determine the most optimal points of interconnection?

Answer: See diagram below. Top left is Grandin Sub Station and the 12kV JCP&L overhead line routing to the meter on the bottom right. This is JCP&L owned distribution equipment. Beyond the meter is distribution equipment owned by the State of NJ. A recent one line for that switchgear was shown as part of the Bulletin D attachments A3 & A5, while the location of State owned poles are shown on Attachment 3 for Bulletin A – EMCF Elect Distribution E-1 dated 2005. Note that the Bulletin A, EMCF Elect Distribution Drawing E-3 also has the outdoor switchgear one line diagram for the A1209 project.



6. Does Edna Mahan and HDC have 12kV distribution systems running through their facilities, where the individual solar arrays can interconnect. For instance, can the solar array in Area E interconnect to the closest 12kV service at the HDC facility, rather than having to run a dedicated distribution line back to the point of interconnection at the substation or power house?

Answer: See one line drawings identified in question 5 above.

7. Can bidders run the solar generation electrical lines from the array to the point(s) of interconnection overhead?

Answer: Yes. The routing should take into consideration to not negatively impact the security or operations of either of the facilities. The routing proposed by the vendor will be reviewed by both agencies during the schematic phase of design.

8. Will bidders be permitted to remove or trim trees for the solar installation?

Answer: Yes. With regard to a vendors request or approval to cut trees down on campus, there are no known restrictions at this time. The vendor must comply with all current, NJDEP - Division of Forestry Regulations and required approvals, (including No Net Loss) as of the time of bid. Any necessary stump removal from a cut tree may require inclusion of the task as part of the County Soil Conservation District permit application.

9. Can bidders provide a sensitivity for interconnection cost, where the PPA rate will adjust based on the actual cost of the interconnection?

Answer: All interconnection costs are to be included within the PPA rate provided by the Vendor, unless modified via future bulletin with a revised bid proposal form. Currently discussing the possibility of add/deduct unit pricing structure to impact the bid rate, based on the transparent final cost of the utility “fixed cost agreement” for the interconnect. It should be noted that, if implemented, the unit price would be a significant factor in determining best value to the State and as is standard on DPMC projects...can be negotiated prior to award.

H) Questions from HESP Solar, LLC.

1. Please clarify the security screening requirements required for work at each of the array areas and the meter/switchgear area. Do all array Areas have the same security screening requirements clearance as the rest of the site? For example, Area I and Area E appear to be located outside of secure zones.

Answer: When working in areas A, B, C, D, G, H & I, or any work requiring entrance into the Edna Mahan facility, a background check and issuance of ID badge would be required. Note that there is no cost for background checks. Please see the site specific summary requirements section 1.12, A&B. This clearly defines the need for background check procedure for every individual that will be working on the site and also defines specific COVID requirements at each facility. Additional screening requirements when entering the secured area, as we did during the site walk through, will be performed including truck search, tool inventory, etc. Hunterdon does not require background checks, but has the specific screening requirements identified in the site specific summary. Those areas are E&F.

2. Please provide an annual facility electrical usage amount (in kWh) that should be assumed to be available to be replaced by solar energy. (Documentation provided to this point appears to show a number in the ~15GWh/Yr range, but there may be recent/ongoing efficiency improvements that are not reflected. Additionally, the data for the months of July and August 2019 are not consistent with other similar months.)

Answer: In an attempt to correct this claimed billing anomaly, JCP&L has provided a usage report from Sept 2018 through August 2020. (*See Attachment A1 of this Bulletin*). In addition, JCP&L has provided interval data from May through November 2019, which includes the time-period in question. (*See Attachment A2 of this Bulletin*).

3. Are the overhead lines on the site “behind” or “in front of” the utility meter?

Answer: Both. See response provided while answering DG Clean Energy, question #5 above.

4. Please provide a map showing the location of overhead electrical poles on the site as well as existing underground lines.

Answer: Please refer to the Bulletin A documents that were provided. Attachment 3 of Bulletin A labeled EMCF Electrical Distribution E-1 is a 2005 drawing of the site labeling this information.

5. Can the poles be used by the solar developer to carry solar wires? If yes, what is the voltage of lines running on the poles?

Answer: JCP&L indicated that it is prohibited to hang off their poles. See response provided while answering DG Clean Energy, question #5 above. As far as the State owned poles, if permitted by code, the use of existing poles are permitted. Confirmation of existing voltage information is the responsibility of the vendor, but can be found in Bulletin A, Attachment 3 drawings. The 2005 drawings show feeder routing above and below ground, while the A1209 one line drawing provide voltage. It appears to be 12.47kV in some instances and 4800V in others.

6. Please provide photos of the JCPL substation adjacent to the site.

Answer: Photos have been provided. *(See Attachment A9 of this Bulletin)*

7. What is the electrical service voltage feeding the facility and within the facility?

Answer: See Bulletin A, Attachment 3 drawings for this information. The JCP&L feed is 15kV (12.47kV). While the within the facility it appears to maintain 12.47kV in some instances and 4800V in others. JCP&L currently supplies nominal 12.47 kV voltage, it is expected that the site will be served at 34.5 kV (nominal) if a large PV facility is installed behind the meter.

8. On the site visit, it was mentioned that fencing is to be bidders' responsibility. Please confirm.

Answer: Fencing is the Vendors responsibility under the RFP for this contract.

3.8 GROUND MOUNT SOLAR PV ARRAYS

All ground mounted installations shall be consistent with Vendor's {Contractor's} proposed System and comply with all applicable structural, building, and electrical codes, manufacturer's installation instructions and industry standards. The Vendor {Contractor} is responsible for any maintenance of the System and grounds within the fence line as required to generate power. The installation shall be fenced with six (6) foot high chain link fencing with gates sufficient to permit access to the System to perform maintenance or respond to emergencies as required.

9. Please provide communications with Division of Forestry re tree removal/trimming, if available.

Answer: With regard to a vendors request or approval to cut trees down on campus, there are no known restrictions at this time. The vendor must comply with all current, NJDEP - Division of Forestry Regulations and required approvals, (including No Net Loss) as of the time of bid. Any necessary stump removal from a cut tree may require inclusion of the task as part of the County Soil Conservation District permit application.

10. Please provide topographical maps

Answer: *(See attachment A6 of this bulletin)* for maps used by State Consultant, Mott Macdonald.

I) Questions from Advanced Solar Products, Inc.

- a) The production guarantee requirement in the PPA agreement is far more stringent than is typically seen in a solar PPA contract. The typical industry standard is a 90% production guarantee that is weather-adjusted and measured over a three or five year period. The PPA provided in this RFP requires an 85% production guarantee measured over 2-month periods with

no weather adjustment. Would the State consider adjusting this provision in the PPA to make it more consistent with the industry standard?

Answer: Any modifications or changes to the guarantee will be addressed in Bulletin E, as specific questions / concerns have been raised regarding guarantee requirements.

- b) There are several references in the PPA agreement to early termination but no specific clauses which provide details regarding termination. Can you provide details regarding circumstances under which early termination can take place? Under what terms can it take place? Will there be a payout at fair market value or will there be an early termination schedule that the Seller provides which provides an early termination price the State would have to pay each year to terminate early?

Answer: Any modifications or changes to the PPA attached to this bid will be addressed in Bulletin E, as specific questions / concerns have been raised regarding termination details.

- c) Will extensions to the PPA term be allowed? Will the PPA allow for buyout options? The current PPA agreement does not appear to allow either extensions or an early buyout by the State.

Answer: Any modifications or changes to the PPA attached to this bid will be addressed in Bulletin E, as specific questions / concerns have been raised regarding extension / buyout details.

- d) Can you confirm that the PPA rate must remain flat for each year of the PPA term (i.e. a 0% escalator)?

Answer: This contract has been set up to allow for the vendor to apply the yearly escalation multiplier, based on the posted T3104 price list. The Vendor may not change this escalation rate. DPMC will refer back to the price list to obtain this rate. The escalation rate may be different for multiple systems on one site (ground / rooftop / canopy) and the bid proposal form has taken this blended escalation into account based on percentage of system type. Ultimately, this (possibly blended) escalation rate will be inserted in the evaluation tool along with other required information provided on the bid proposal form, to determine the best value vendor bid to the State.

- e) Can you clarify what the Base Bid should be? Is this whatever size the bidder proposes, divided between canopies and ground systems in the proportion the bidder feels provides the best value to the State?

Answer: The base bid may or may not include the carports. It is up to the bidder's economics and choice to include the carports in their base bid. The State is ultimately looking for the best value, which requires the best rate, while making sure the vendor maximizes the amount of power available for the State to purchase.

- f) Is it mandatory to bid a carport system?

Answer: It is mandatory to include the carports as part of the alternate bid. The bid proposal form must be filled out completely or will be deemed non-responsive.

- g) Does the State have a preference for carport systems over ground systems or is the preference for whichever systems provides the most economic value to the State?

Answer: The base bid may or may not include the carports. It is up to the bidder's economics and choice to include the carports in their base bid. The State is ultimately looking for the best value, which requires the best rate, while making sure the vendor maximizes the amount of power available for the State to purchase.

- h) Zoning information for the Township of Union was provided in the RFP. Can you clarify that this is the correct zoning information for this project? Since the project address is in Clinton, we just wanted to be sure we had the correct zoning information.

Answer: The State is not subject to local zoning or planning ordinances. The issuance of a State of NJ, Department of Community Affairs (DCA) construction permit for this project is contingent upon acquiring various prior approvals as defined by NJAC 5:23-1.4. It is the vendor's responsibility (A/E) to determine which prior approvals, if any, are required.

- i) Are the NJ Department of Corrections ID Issuance Form and the NJ Department of Corrections Background Check Form needed for proposal submission or only upon project award?

Answer: Background check forms and ID applications will be submitted following project award. Do Not submit with the Bid Proposal Form.

- j) Section 3.8 and 3.9 of the T3104 Revised Bid Solicitation issued in April 2019 provided specifications for the ground mount and carport systems. Must bidders adhere to these specifications for this mini-bid as well?

Answer: Yes. All bidders must comply with the minimum specifications in the RFP.

- k) Can you provide clarity on the decommissioning security instrument referred to in Section 2.2 of the RFP. What is an acceptable format for this instrument?

Answer: To answer the question, the State will allow one of the options for decommissioning security and will question the vendor during the interview process. The requirements for when this is required is outlined in the site specific summary 3.1 L (1 & 2). See below for reference of timing and format.

L. Commercial Operation Date and Decommissioning Security Requirement

1. Upon the Vendor providing written notice that the system is mechanically complete and capable of providing electric energy to the delivery point, the Vendor will contract a 3rd party estimator using an estimating consultant to establish the value to be used in determining the acceptable security instrument as set forth in section 2.2 of the RFP.
2. This Decommissioning Security Requirement must be fulfilled at least 30 days before the Commercial Operation Date. The value established by the estimator is subject to annual escalation on each anniversary of the Commercial Operation Date and in accordance to the Consumer Price Index (CPI) Inflation Calculator, as described.

From RFP section 2.2:

Acceptable Security Instrument – May be any one or more of the following, in the State's discretion:

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- (a) A surety bond naming the State of New Jersey as obligee, issued by a company on the list of approved bond sureties maintained by the New Jersey Department of Banking and Insurance. The bond shall remain in force for the entire term of this Agreement. The bond may include a provision authorizing the surety to cancel on ninety (90) days' notice, conditioned upon the Vendor {Contractor} providing the State with a substitute decommissioning bond or other acceptable bond instrument no later than thirty (30) days before the effective cancellation date of the existing bond. Should the Vendor {Contractor} fail to provide such substitute bond or instrument, the State shall be entitled to make immediate demand upon the surety for the entire penal sum of the bond as liquidated damages to cover the anticipated cost of decommissioning.
- (b) Cash or cashier's or certified checks.
- (c) An irrevocable letter of credit issued by a bank or financial institution authorized to do business in the State of New Jersey.
- (d) Establishment of a trust or escrow account into which the Vendor {Contractor} shall make monthly deposits of such sufficient amount (as determined by the third-party consultant retained per paragraph 3.16.1 of this Agreement) to cover the estimated anticipated cost or decommissioning. Any balance of funds remaining in the account after decommissioning shall be returned to the Vendor {Contractor}.
- (e) Any other form of security as may be mutually agreed upon by the State and the Vendor {Contractor}.

- 1) Is there a particular form the State requires for the submission of the \$10,000 bid bond? Who should the bond get made out to? Is a consent of surety needed?

Answer: The AIA-A310 is the form to be used at a bond amount of \$10,000. The bond should be made out to," Department of the Treasury, Division of Property Management and Construction." To comply with other DPMC standards, the Bid bond shall be accompanied by a copy of the power of attorney executed by surety company or companies. The power of attorney shall set forth the authority of attorney-in-fact who has signed the bond on behalf of the surety company to bind the company and shall further certify that such power is in full force and effect as of the date of the bond. Attorneys-in-fact who sign bid bonds or contract bonds must file a certified power-of-attorney with the state indicating the effective date of that power.

- m) With respect to the requirement that all consultants be DPMC-pre qualified "design" consultants, will the State accept companies that are DPMC pre-qualified in other relevant disciplines, such as C035 - Solar Energy Systems or C047 – Electrical, or does the qualification have to be as a design consultant?

Answer: The question needs to be clarified first by identifying 2 different entities and reference to the codes provided within the question. First, there is the DPMC Pre-Qualified Consultant. To be clear on the DPMC Pre-qualified Design Consultants, upon further review, this is **NOT** a requirement in the original RFP and therefore cannot be enforced and/or made mandatory in our mini-bids. It is encouraged and Vendors should have a DPMC Pre-Qualified Design Consultant on the team, due to the familiarity with the DPMC plan review process and requirements. The second entity is the DPMC Classification for Contractors used on the project. It is mandatory following permitting, the vendor shall submit the names of all contracted DPMC classified contractors that will be used to install the system. Trades requiring named DPMC classified contractors shall be Electrical, Structural Steel, Plumbing, Mechanical & General Construction. Reference 3.1-J(9) in the site specific summary milestones for when this information is required.

- n) For the proposal submission, how many hard copies of the proposal submission should we provide?

Answer: The submission required by the bid due date is ONE complete and clearly filled out bid proposal form, the required schedule and the bid bond. Do not submit anything else with your submission.

- o) Are we able to propose routing our conductors on the existing poles on site as “means of conveyance”?

Answer: : JCP&L indicated that it is prohibited to hang off their poles. See response provided while answering DG Clean Energy, question #5 above. As far as the State owned poles, if permitted by code, the use of existing poles are permitted. Confirmation of existing voltage information is the responsibility of the vendor, but can be found in Bulletin A, Attachment 3 drawings. The 2005 drawings show feeder routing above and below ground, while the A1209 one line drawing provide voltage. It appears to be 12.47kV in some instances and 4800V in others.

- p) Can the site hosts provide existing drawings? Please provide the service sizes and voltages. if available.

Answer: These have been previously provided for reference. See Bulletin A, Attachment 3 drawings for this information. The JCP&L feed is 15kV (12.47kV).

- q) Can the site hosts please provide utility / service maps for underground utilities?

Answer: Please refer back to attachment 3 and attachment 5 in bulletin A, already provided. *(See attachment A8 of this bulletin - EMCF underground utilities - Civil over view on gas line drawing).*

- r) Can you provide the base map from Mott McDonald’s plans (base map) in .DWG format?

Answer: *(See attachment A7 of this bulletin)* It should be noted that this design is only indicative of available areas for development and that the bidders should produce and submit their own designs.

- s) Is the intent of this project to offset both facilities’ post-ESIP electrical loads only?

Answer: Yes.

- t) Can the facility meters be relocated to the substation?

Answer: In speaking with JCP&L, it would not be within the JCP&L substation, but a 35kV meter can be placed within a new substation built and owned by the vendor. This new substation would be on state property outside the Grandin substation.

J) Question from Eznergy NJ, LLC

1. I partook in the preliminary site visit today at Edna Mahan Correctional Facility and was told to reach out as soon as possible with photo requests, as we were not allowed to take any photos on the property. I was wondering if you can provide photos of both meters, the substation (labeled proposed point of interconnection on the site map you provided) as well as several photos of areas A, B, D, E, and H so that we can get an idea of the terrain.

Answer: See Photo Attachment files under attachment A9 of this bulletin.

2. Also, do you have a topographical survey you can provide as well?

Answer: (See attachment A6 of this bulletin) for maps used by State Consultant, Mott Macdonald.

K) Question from SunPower Corporation Systems

1. On the site walk, you alluded to an answer to my question re using a lease instead of a license, and that after checking with the AG's office, the answer was basically "a license is all that the State would entertain." When you provide your written responses to all of the questions, would you also include why? Although a license is common for rooftop arrays, carports and especially ground projects - particularly ones as large as this - need leases, which convey an insurable interest in and exclusive use of the property. (Sometimes easements can be a middle ground, in that they are insurable, but non-exclusive, though for a large ground project, non-exclusive use doesn't really make sense.)

Answer: Any modifications or changes to the PPA attached to this bid will be addressed in Bulletin E, as specific questions / concerns have been raised regarding license, lease, and easement details.

L) Bulletin D Attachment Listing:

1. A1 – JCP&L Usage Report Sept 2018 – August 2020
2. A2 – JCP&L Interval Data May 2019 – Nov. 2019
3. A3 – Project drawings for A1209 – Emergency Generator Replacement EMCF & HDC
4. A4 – Reissued Drawing GA-001 Rev.E to cover multiple bulletin questions
5. A5 - Reuter Hanney Main Outdoor Substation Test Report 2016
6. A6 – Topographic Map used by Mott Macdonald
7. A7 – Mott Macdonald Drawing in .DWG format
8. A8 – EMCF underground utilities - Civil over view on gas line drawing
9. A9 – Photo attachment files – titles below
 - Area A from highway
 - Area A full photo
 - Area A second photo
 - Area B along Rte 78
 - Area B along trailers
 - Area B
 - Area C from B
 - Area C from gatehouse
 - Area D
 - Area E along Rte 513
 - Area E
 - Area F from entrance
 - Area F from field
 - Area G adjacent to parking lot
 - Area G from road at fence
 - Area G photo towards property line from road at fence
 - Area G second photo from road at fence
 - Area H forth photo

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- Area H second photo
- Area H third photo
- Area H wide
- Area H
- Area I from access road
- Area I photo 2
- Grandin Substation wide
- Grandin Substation
- Main electric meter for campus
- Rte 513 meter – normally off

END OF BULLETIN D