

Town of Sharon, Massachusetts



REQUEST FOR PROPOSALS

**Right to Lease Town Land
to Develop a Solar PV Facility at
the Closed Municipal Landfill and
Solar Canopies over
Town Parking Lots and Paved Areas
in the Eversource MA East Area**

ADDENDUM #1A

Responses to Questions

3 July 2019

**Town of Sharon RFP Right to Lease Town Land to Develop
a Solar PV Facility at the Closed Municipal Landfill and
Solar Canopies over Town Parking Lots and Paved Areas
Addendum #1A: Responses to Questions
Page 2**

**ADDENDUM #1A
Responses to Questions**

This portion of Addendum #1A provides answers to questions submitted by potential respondents to the above-referenced RFP as of July 2, 2019, that also attended the mandatory pre-proposal conference on June 20, 2019. The questions are sorted by topic. Some questions that were posed by multiple respondents have been edited for clarity and/or consolidated and addressed with a combined response.

This Addendum #1A is being released at this time in order to provide respondents with as much notice as possible in advance of the deadline for proposal submittal of July 18, 2019. Some of the answers refer to revisions or additions to the RFP text that will be released in a separate Addendum #1B.

Generally, respondents are advised to refer to the Town's RFP website at <https://www.townofsharon.net/energy-advisory-committee/pages/solar-rfp>, which provides both the text of the RFP and informational documents that are available to support and inform development of proposals. Additional documents have been posted and are being added. Some of the questions requested the Town to provide documents that have already been posted (e.g., the Eversource pre-application report for the Landfill, attendees of the pre-proposal meeting). To limit the volume of the response, questions regarding documents that have already been posted are not repeated herein.

RFP process

1. Can a company be listed on a project team for more than one proposal?
A. Yes.
2. Regarding RFP Form 3 "Statement of Independent Certified Public Account", would the 2018 Financial Opinion Letters prepared by our auditors, and included in our annual financial report, be acceptable in lieu of the form?
A. Yes.
3. Please clarify that the expectation is to only submit a Memorandum of Understanding (Section 3.2: Page 11 / Page 12) that the respondent is prepared to sign and follows the criteria outlined in this section and is not an open invitation or request to submit additional solar concepts and or additional project economics for consideration for sites not explicitly listed in the RFP.
A. Confirmed.
4. Please clarify that any such concepts or associated economics submitted outside of the sites explicitly listed in the RFP would not be evaluated, considered, or factored into the evaluation.
A. Confirmed. The evaluation will consider only the Landfill Site and the First-Round Canopy Sites listed in the RFP, but not specific proposals for other sites.

**Town of Sharon RFP Right to Lease Town Land to Develop
a Solar PV Facility at the Closed Municipal Landfill and
Solar Canopies over Town Parking Lots and Paved Areas
Addendum #1A: Responses to Questions**

Page 3

5. Are there any potential Town-owned sites in NGRID territory that the Town would consider for canopy systems?
A. Not as part of this RFP.

General business terms

6. Will the project be subject to prevailing wage requirements?
A. The project will be privately-owned on land leased from the Town and will not be subject to requirements for prevailing wages as they apply to publicly-owned projects. Compensation to the Town under the RFP will be for use of the land for production of solar PV electricity. Private construction on the leased site should not be subject to prevailing wage.
7. In Section 5.1 of the main RFP document, an anticipated RFP process schedule is provided indicated a vote at the fall Town Meeting on November 4, 2019. Is this the earliest date that the projects would be fully approved and any agreements (e.g. lease agreements, MOU, etc.) could be signed?
A. The Town cannot make binding long-term commitments to lease property or enter into PILOT agreements without Town Meeting approval. The earliest date for obtaining such approvals is November 4, 2019. Any document addressing these issues that is signed in advance of Town Meeting would need to be contingent on passage of the applicable warrant articles at the Town Meeting.
8. Does the Town anticipate any local opposition to the Landfill solar project that might result in either the delay or rejection of the 20-year lease?
A. The Town does not anticipate opposition at this time.
9. Would the Town be willing to extend the proposal submittal deadline to August 2, 2019?
A. No.
10. Does the Town have preference regarding the time frames for buy-out options?
A. No.
11. On page 8 of the RFP, Section 5.0, Early Terminations, the last sentence reads "18 months years". Should this read 18 months?
A. Yes. Ignore the word "years", which is a typo.
12. Would the Town be willing to waive any municipal permit fees?
A. No. Municipal permit fees are a normal cost of doing business.
13. Does the Town self-insure? If not, who is the insurer?
A. The Town carries commercial general liability and automobile liability insurance through Arch Insurance Company, as well as excess liability aggregate and occurrence policies.

**Town of Sharon RFP Right to Lease Town Land to Develop
a Solar PV Facility at the Closed Municipal Landfill and
Solar Canopies over Town Parking Lots and Paved Areas
Addendum #1A: Responses to Questions**

Page 4

14. In Section 3.1 of the main RFP document, there is a subsection titled “Surety bond” that discusses a performance bond or other equivalent security in the amount of \$200,000. Is this amount required for each project or in the aggregate? And is this a performance and payment bond, or a form of decommissioning assurance?

A. The bond is meant to secure either completion of construction or removal of partial construction in the event construction is not completed by the proposer or its successor.

15. Please comment on the openness to tree clearing and the process to review and approve any such tree clearing beyond the site development process as applicable to all sites listed in the RFP.

A. Generally, the Town prefers to minimize trimming and removal of trees unless there is a clear project benefit. The Town can only grant permission for removal or trimming of trees on Town property. The Town prefers not to remove trees that serve as a buffer against impacts (including visual impacts) on abutters to Town property. Removal or trimming of trees on private property abutting the facilities would need to be arranged with the private landowner. Tree removal on the Landfill property would need to be approved by DPW staff. Tree removal on the Gavins Pond property would need to be approved by the Recreation Department staff. Tree removal on the East Elementary School property would need to be approved by School Department staff.

Proposers are requested to show generally in their Technical Proposals the proposed extent of proposed tree trimming and removal by marking up plans for the Landfill and the GIS maps of the First-Round Solar Canopy Sites that is the basis for their Price Proposals.

16. What is the Town’s appetite to accept electricity behind-the-meter at specific meters?

A. Town municipal meters have shown energy consumption of approximately 4,800 MWh per year in previous years. As shown in RFP Section 3.3, the Town contracted in 2016 to purchase up to 2,000 MWh per year of electricity from a remote privately-owned solar farm. The Town is developing a new high school building to replace the existing high school, which has consumed approximately 920 MWh per year. The new high school would likely be built with its own rooftop solar PV array; thus, the Town cannot commit to offset the related electricity consumption at this time. Similarly, the Town is in the process of completing a new Town Hall and designing a new Town library, which are likely to involve their own solar PV rooftop arrays; thus, the Town cannot commit to offset the related electricity consumption at this time. After exclusions, the Town’s appetite to accept electricity behind the meter is limited to:

(a) East Elementary School, which consumed 367 MWh of electricity in FY2018 and 360 MWh of electricity in FY2017, but for which the Town projects consumption will decrease to 300 MWh per year in future years; and

(b) an additional 350 MWh of electricity system-wide on meters large enough to be identified on a Schedule Z, but not already having electricity costs offset by the existing solar farm arrangement.

**Town of Sharon RFP Right to Lease Town Land to Develop
a Solar PV Facility at the Closed Municipal Landfill and
Solar Canopies over Town Parking Lots and Paved Areas
Addendum #1A: Responses to Questions**

Page 5

Respondents are referred to the RFP website section on RFP Appendix C for information on Town electric use by building and meter.

17. Can the Town provide sample utility bills?
- A. Sample utility bills are provided on the RFP website.

Price Proposal questions

18. Is the Town willing to set SMART Block assumptions for all bidders to use, in order to make it easier for the Town to compare bids?
- A. Yes. The Town recognizes that uncertainties in the SMART program may require additional structure in the Price Proposals to facilitate evaluation. For this reason, the language of the RFP related to the Price Proposals is amended to request three proposed compensation levels as described below:
- a Base Case Alternative compensation level based on qualification for SMART Block 6.
 - a High Case Alternative compensation level based on qualification for SMART Block 4.
 - a Low Case Alternative compensation level based on qualification for SMART Block 8.

In addition, the Town requests Proposers to include language addressing how Price Proposal elements would be adjusted for scenarios other than eligibility for SMART Block 4, 6 or 8. Language addressing this requirement for Price Proposals will be provided in Appendix #1B.

19. Is the Town willing to set an interconnection grid upgrade cost assumption for all bidders to assume for each of the sites, in order to make it easier for the Town to compare bids? It is assumed that the developer would pay for these grid upgrade costs after the interconnection study is completed by Eversource.
- A. The Town has no basis in experience to estimate interconnection costs for commercial solar PV installation. However, the Town recognizes that uncertainties in the interconnection costs to be charged by Eversource may require additional structure in the Price Proposals to facilitate evaluation. For this reason, the language of the RFP is amended to request proposers to provide, in their Price Proposals (and NOT in their Technical Proposals), for each project, both (i) a threshold value of the maximum cost that Eversource might charge for the electrical interconnection for each facility proposed that, if experienced, would not affect elements of the Price Proposals; and (ii) a basis for adjustment of elements of the Price Proposal in the event that the interconnection cost from Eversource exceeds such maximum value. Language addressing this requirement for Price Proposals will be provided in Appendix #1B forthcoming shortly.
20. Is the Town willing to set Payment in Lieu of Taxes (PILOT) assumptions for all bidders to assume, such as a standard amount in \$ per MWdc, in order to make it easier for the Town to compare bids?

**Town of Sharon RFP Right to Lease Town Land to Develop
a Solar PV Facility at the Closed Municipal Landfill and
Solar Canopies over Town Parking Lots and Paved Areas
Addendum #1A: Responses to Questions**

Page 6

- A. No. Respondents are requested to propose how they would allocate compensation between site lease payments and PILOT payments.
21. In a few places, the RFP mentions the lease payment amounts being tied to changes in the CPI-
- U. Would the Town instead entertain a fixed annual escalator to the lease payments that provides certainty to developers on what their expenses for the projects will be?
- A. Yes. Proposers are allowed to propose fixed annual escalators in their Price Proposals, which the Town will use in the evaluation. The Addendum #1B amends the RFP language accordingly.
22. Are Price Proposals considered binding?
- A. Yes. If specific price elements (site lease payments, PILOT payments, etc.) are conditioned on certain assumptions, explain those conditions and assumptions clearly in the Price Proposal.
23. In Section 1.0 and Section 4.2.2 of the main RFP document, it mentions a non-refundable payment to the Town “of not less than \$20,000 upon site lease execution...” Can you please confirm what this exact amount will be? Or is the amount to be proposed by bidders, and the amount just needs to be at least \$20K?
- A. The amount is to be proposed by proposers, but must be not less than \$20,000.
24. Also, is this initial site lease execution payment applicable to the first-year lease payment?
- A. Proposers can decide whether or not to apply these payments to the first-year lease payment in their proposals. Please make this clear in the Price Proposal.
25. In Section 4.2.2 of the main RFP document, it references pre-operations quarterly payments until the COD date. Are these payments non-refundable? Would these payments be applied to the first-year lease payment?
- A. These payments are non-refundable. Proposers can decide whether or not to apply these payments to the first-year lease payment in their proposals. Please make this clear in the Price Proposal.

Questions on the landfill site and facility

26. Is the cap on the landfill earthen or membrane?
- A. The following description of the landfill cap is taken from pages 1-2 to 1-3 of a report on Post-Closure Use Risk Characterization, prepared by Weston & Sampson in February 2002, which is now posted on the website:
- “The landfill was closed in two phases. According to the “*Final Closure Plan for the Mountain Street Landfill*” (Metcalf & Eddy, 1990), the Phase I landfill cap was constructed with a minimum 6-inch subgrade of porous sand, followed by a 6-inch soil-bentonite layer with a

**Town of Sharon RFP Right to Lease Town Land to Develop
a Solar PV Facility at the Closed Municipal Landfill and
Solar Canopies over Town Parking Lots and Paved Areas
Addendum #1A: Responses to Questions**

Page 7

permeability no greater than 3.0×10^{-8} cm/sec. Immediately above the soil-bentonite layer is a 12-inch drainage layer to facilitate the surface drainage off the landfill cap. A 6-inch layer of loam, seeded with grass, was installed over the drainage layer. [According to the] *"Phase II Closure Construction Certification Report"* (Weston & Sampson, 1997), the Phase II landfill cap was constructed with a minimum 6-inch subgrade layer of final cover material, followed by a minimum 6-inch sand gas-venting layer with permeability of 1×10^{-3} cm/sec. Immediately above the gas venting layer is a low permeability membrane consisting of a 40-mil high-density polyethylene (HDPE) flexible liner. A 6-inch drainage layer was installed over the HDPE membrane to facilitate the surface drainage off the landfill cap. A 12-inch layer of loam, seeded with a mixture of grass and wildflowers, was installed over the drainage layer. A clay anchor trench was installed at the boundary between the Phase I and Phase II closures."

27. Are closure plans available for the landfill?

A. The Town has been unsuccessful in locating design and permitting documents for the closure of the Landfill. Proposers are welcome to perform a file review of landfill closure documents at the MassDEP Southeastern Regional Office in Lakeville, MA.

28. How accurate are the wetlands analysis related to the town Landfill?

A. The wetlands have not been delineated in recent years. The Town is not aware of any recent changes in the scope of wetlands from the available data. The Town is not providing any guarantee on the location or extent of wetlands near the Landfill. Respondents are solely responsible for making judgments on wetlands for the purposes of their proposals.

29. The landfill is identified as being within a FEMA 500-year flood zone. While this is likely a data aberration given the contours of the site, does the Town Conservation Commission consider the site as being within a jurisdictional resource area?

A. The Resource Areas protected by the Town's bylaw are set forth in Section 262-3 of the bylaw (<https://www.ecode360.com/33790462>) and differ from those protected by the Massachusetts Wetlands Protection Act in that additional areas are protected by the bylaw. These include vernal pools (including those that have not been certified by any Massachusetts regulatory agency) and certain freshwater wetlands that may not meet the definition of bordering vegetated wetlands under the Massachusetts Wetlands Protection Act. In addition, the buffer zone surrounding a Resource Area is itself deemed to be a Resource Area protected by the bylaw. Neither the by-law nor the rules and regulations of the Conservation Commission specifically assert jurisdiction over the Landfill. See the rules and regulations at https://www.townofsharon.net/sites/sharonma/files/pages/rules_and_regulations_of_the_sharon_conservation_commission_2016.pdf

**Town of Sharon RFP Right to Lease Town Land to Develop
a Solar PV Facility at the Closed Municipal Landfill and
Solar Canopies over Town Parking Lots and Paved Areas
Addendum #1A: Responses to Questions**

Page 8

30. How often does the Town mow the field on the Landfill?
A. Once or twice per year.
31. In Section 3.1 of the main RFP document, it mentions that the Town would provide snow plowing service on Mountain Street “and on any access road to the landfill.” Could you confirm to where this would extend?
A. The Town would plow the road up to the shed.
32. What is the status of the storage building at the Landfill? Can it be relocated?
A. The storage shed, which is in poor condition, is used for storage of some Town equipment. Proposers can offer to relocate or replace the shed at their cost.
33. Does the Town have a preference for ballasted or driven fencing around the Landfill perimeter?
A. Construction on the Landfill site would need to comply with the requirements of the MassDEP as determined during the process of acquiring the post-closure use permit. The Town will defer to the MassDEP determinations on these issues.
34. Is the Town open to a project larger than 3,000 kW?
A. Yes.
35. To what extent can trees be trimmed or removed along Mountain Street? Along the side and rear lot lines of the landfill?
A. Generally, the Town prefers to minimize trimming and removal of trees unless there is a clear project benefit. The Town can only grant permission for removal or trimming of trees on Town property. The Town prefers not to remove trees that serve as a buffer against impacts (including visual impacts) on abutters to Town property. Removal or trimming of trees on private property abutting the facilities would need to be arranged with the private landowner. Tree removal on the Landfill property would need to be approved by DPW staff.
- The Town prefers to retain the small trees along Mountain Street outside the fence line; trees along the property line that provide a visual buffer between the Landfill and the abutting homes on Azalea Street in the area of the intersection with Juniper Road; and trees along the side property line that provide a visual buffer between the Landfill and the home on Whippoorwill Road. Trees abutting the shed or along the southeast corner of the landfill, or that are not required to provide a visual buffer, are eligible for trimming or removal.
36. What is the current status of the proposed land swap between the Town and the State of the easement held by the Commonwealth over the landfill site?
A. The Town has obtained all approvals required to complete the land swap. The Town intends to complete the swap before fall Town Meeting.

**Town of Sharon RFP Right to Lease Town Land to Develop
a Solar PV Facility at the Closed Municipal Landfill and
Solar Canopies over Town Parking Lots and Paved Areas
Addendum #1A: Responses to Questions**

Page 9

37. Please clarify if the expectation or intention of this section is to lease the entire 34.7-acre parcel as written in this section or if a specific leased area will be defined representative of the actual project area in the lease agreement.
- A. Proposers need not lease the entire parcel, although proposers that do so might be found advantageous as compared to proposers that do not do so. Proposers are requested to define in their Technical Proposals the specific leased area to be leased.
38. For the Landfill project, is the entire cleared area a potential for solar (i.e. can solar be placed on the southernmost portion crossing over the drainage ditch/road)?
- A. The entire cleared area is a potential for solar panels, provided that the integrity of the landfill's protective environmental systems (the cap, stormwater drainage and gas vents) is maintained in accordance with the requirements of the MassDEP for solar PV systems on landfills as interpreted and approved by the MassDEP in the process of obtaining a post-closure use permit.
39. Please define or clarify the term "surface" of the landfill (Section 1a, Page 2). Guided by professional standards, MassDEP guidelines, and the approved closure design, will this definition extend to and/or include an allowable depth of some distance to account for grading, trenching, and other sitework necessary to site, develop, and interconnect the project, understanding that this to-be-determined depth may only come known during site development and be part of the language proposed in the lease agreement?
- A. The term "surface" was used to indicate that the lessee would primarily be installing panels and equipment on the surface. It is understood that surface will extend to or include an allowable depth to account for site work during installation. However, designs will be expected to minimize impact on the landfill cap and otherwise comply with the requirements of the MassDEP for post-closure uses.
40. For the Landfill project, instead of bringing 3-phase power down to the Landfill, we could make a medium voltage run up to the Middle School. Would the Town be okay with this potential option and the electrical equipment being on the Middle School property?
- A. Yes, depending on the specific location chosen. There appear to be several potential suitable locations for such equipment along Mountain Street, although this has not been confirmed. The proposer would be responsible for securing approval of the design of the interconnection from Eversource, for securing permission for use of existing poles, and for securing all required easements from private property owners along Mountain Street.

Questions on solar canopy sites and facilities

41. What assumptions shall be made about existing lighting within the parking lots?
- A. Assume that all existing lighting in the parking lots shall be maintained or replaced by equivalent lighting within the canopy.

**Town of Sharon RFP Right to Lease Town Land to Develop
a Solar PV Facility at the Closed Municipal Landfill and
Solar Canopies over Town Parking Lots and Paved Areas
Addendum #1A: Responses to Questions**

Page 10

42. Is it possible for the Town to defer the request for the artistic rendering of the parking canopy to be required once the project is awarded, rather than at this stage? Typically, as a developer, we would wait until later stage project finalization of design to create a rendering like this.
- A. Technical Proposals must include a visual depiction of the appearance of the solar canopy so that its appearance can be evaluated; however, proposers can choose whether to provide this depiction in the form of graphics that present the product design and are representative of the proposed installation rather than a full artistic rendering.
43. What are the height requirements for placement of the canopies at the East Elementary parking lot?
- A. The canopies will require a minimum height of 15 feet.
44. What are the limitations for placement of canopies at the East Elementary parking lot? Would the Town consider long-span canopies that span over drive aisles?
- A. The layout of the canopy must preserve space for access by emergency vehicles and fire apparatus, delivery vehicles, service trucks for the waste containers, and other necessary traffic. With reference to the red lines on the GIS layout maps on the RFP website for the East Elementary site, canopies CANNOT be placed in or over the following areas:
- Entrance and exit roads from Wilshire Drive outside the red rectangle.
 - The space between the north side of the school building and the southernmost red line of the rectangle with the long side parallel to Wilshire Drive.
 - The full length of the access road at the east side of the site up to the red rectangle with the long side parallel to the site east side boundary.
 - The areas between the red rectangle and the school building, the playground and east side of the site. These areas must be large enough for fire apparatus to enter, turn around south of the red rectangle, and leave.
- The locations of the lines in the red rectangles are approximate. Proposers are advised to consult additional information on access by emergency vehicles on the RFP website.
45. Can the Town provide a one-line diagram for the East Elementary school?
- A. The Town cannot provide an electrical one-line diagram for the East Elementary School; however, additional site plans have been posted on the website.
46. Please provide technical data and/or name plate information for the transformer at the East Elementary School.
- A. The nameplate is difficult to read and supplementary information is not available. The nameplate appears to indicate a 300 kVA rating with primary voltage of 13,800 (delta 95kV BIL) and a secondary voltage of 480/277 (delta 30 kV BIL).
47. Has the Town communicated with the residents of the houses across the street from the East Elementary School?
- A. The Energy Advisory Committee is not aware of any such communication regarding the installation of solar PV canopies in the East Elementary parking lot.

**Town of Sharon RFP Right to Lease Town Land to Develop
a Solar PV Facility at the Closed Municipal Landfill and
Solar Canopies over Town Parking Lots and Paved Areas
Addendum #1A: Responses to Questions**

Page 11

48. Would the Town consider a design that expands the canopy into the East Elementary School playground?

A. Not as part of this RFP process. Such expansion might be considered in the future.

49. Can the trees in the north parking lot and along the lot line to the east of the East Elementary School parking lot be trimmed or removed?

A. Generally, the Town prefers to minimize trimming and removal of trees unless there is a clear project benefit. The Town can only grant permission for removal or trimming of trees on Town property. The Town prefers not to remove trees that serve as a buffer against impacts (including visual impacts) on abutters to Town property. Removal or trimming of trees on private property abutting the facilities would need to be arranged with the private landowner. Tree removal on the East Elementary School property would need to be approved by School Department staff.

The Town prefers to retain the small trees in the parking lot parallel to Wilshire Street, although some trimming would likely be permitted. Some trimming or removal would also be permitted on Town property along the lot line to the east. Most of those trees are on private land that is part of house lots along Peacock Hill Road, and trimming or removal would need to be approved by the landowner.

50. What is known about the underground electric distribution line along Gavins Pond Road?

A. The Town has submitted a pre-application for an interconnection study for the Gavins Pond site to Eversource, but has not received a response.

51. What are the height requirements for placement of the canopies at the Gavins Pond parking lot?

A. The Gavins Pond parking lot site does not include a building for which access by a ladder truck is required. The canopies will need to be designed to allow access by ambulances and service vehicles, but not by apparatus. The minimum height of the canopies will be 15 feet.

52. Can solar PV canopies cantilever over the edge of the parking lot at Gavins Pond on to the adjacent property?

A. There can be no construction on or disturbance of the adjacent parcel that includes Gavins Pond itself, which parcel is managed by the Conservation Commission. The Town will respond in a future addendum to the question of whether cantilevering of canopies over the edge of the parking lot will be allowed.

53. Can the trees on the south side of the parking lot parallel to Gavins Pond Road be trimmed or removed?

A. Yes, to the extent the trimming or removal would have a noticeable impact on performance of the proposed solar canopy.

**Town of Sharon RFP Right to Lease Town Land to Develop
a Solar PV Facility at the Closed Municipal Landfill and
Solar Canopies over Town Parking Lots and Paved Areas
Addendum #1A: Responses to Questions**

Page 12

54. Can the trees on the parcel that includes Gavins Pond be trimmed or removed?
- A. No tree trimming or removal can occur off the parcel that includes the parking lot.
55. Can the proposer offer to pave the parking lot at Gavins Pond?
- A. Yes
56. For the northern section of the Gavins Pond site, can you provide guidance on the orientation of parking on this lot?
- A. The GIS map on the RFP website shows some cars parked in two aisles perpendicular to Gavins Pond Road on each side of the lot. The Town is open alternatives that retain the same number of parking spaces as this perpendicular configuration.