

January 22, 2010

ADDENDUM #5

REQUEST FOR PROPOSAL: Design, Installation, and Maintenance of Solar Power  
Parking Lot Canopies for New Jersey Meadowlands Commission Property

To All Interested Parties:

PLEASE BE ADVISED that the New Jersey Meadowlands Commission (“NJMC”) is providing the following addendum to the RFP for the purpose of providing an extension of the proposal due date, soil borings reports, and response to questions from Interested Parties.

**1. The NJMC hereby extends the final Proposal due date. All Proposals and associated documentation must be received by the NJMC no later than 3:00 p.m. on Thursday, February 4, 2010.**

**2. Please find attached, the following Soil Borings Reports:**

“Report: Preliminary Geotechnical Investigation Proposed Observatory and Classroom Building, Lyndhurst, New Jersey, New Jersey Meadowlands Commission, May 19, 2005”

“Report: Geotechnical Engineering Services, Proposed New Facilities, Lyndhurst, New Jersey, Hackensack Meadowlands Development Commission”

**3. Please find attached a “NJ Municipalities wind map.”**

**4. The NJMC is providing the following written responses to questions submitted by various Interested Parties. Although these responses are in addition to those provided in Addendum 4, some responses may supersede those provided in Addendum 4:**

Q: Has a decision been made on the additional roof that is just west of the west lot?

A: The NJMC has determined that building rooftops will not be part of this Project.

Q: Would the successful bidding contractor be responsible for performing waste class sampling, testing, and characterization of spoils or excavated materials

associated with a geotechnical investigation for design of canopy foundations, or during construction of canopy foundations or any new subsurface utility installations? Would the contractor be responsible for off-site disposal of the materials?

A: The contractor will not be responsible for performing waste class sampling and testing. The contractor will be responsible for transporting materials to an NJMC landfill where disposal will be free of charge.

Q: Would the successful bidding contractor be responsible for preparation and transmittal of all Special Inspection Reports required per the New Jersey International Building Code?

A: The contractor will be responsible for ensuring that the project complies with all applicable building code requirements. The building code requirements regarding Special Inspection Reports are contained in the 2006 International Building Code/NJ Edition (IBC/NJ 2006), Section 1704, Special Inspections.

Q: Does the 3 year maintenance requirement pertain only to proper functioning of the system subject to normal environmental conditions, or does it apply to any act or event that may damage or negatively impact the solar canopy?

A: As per Section 3.15 "PV System Maintenance" of the RFP, maintenance shall be provided at no additional cost for 12 months after the date of commercial operation. The proposal shall include an optional service that the NJMC shall fund separately for maintenance service for a three-year period commencing after one year of commercial operation. The maintenance plan shall include all services required or suggested by the manufacturer, or otherwise required, to keep the system in full working order. The maintenance plan shall include repair services in the event of problems or failures due to defect in product or workmanship. In the event of a panel failure, the contractor shall pursue warranty claims. Maintenance does not include repairs for physical damage to the system caused by accident, vandalism, etc.

Q: Is there any landfill designation assigned to the area where the solar canopy is to be constructed? Is a landfill disruption (major or minor) permit needed to perform subsurface investigation or excavate the subsurface in the area of the proposed canopy?

A: No.

Q: Are there any special environmental conditions that exist that would require special health and safety requirements for workers who are to come into contact with subsurface soils? Are there any special drilling/excavation/decontamination procedures required due to existing environmental conditions at the site?

A: We recommend basic level D protections for all subsurface work.

Q: Are there any known environmental conditions for the groundwater or subsurface soils that would require special handling or treatment of construction dewatering effluent at the site?

A: No dewatering will be required, but as stated above, we recommend basic level D protections for all subsurface work.

Q: We understand historic soil boring information may be limited to the new Education Center. Please advise if additional geotechnical information is available for the East Lot, West Lot or Overflow Lot to review.

A: Other than what is attached to this addendum, geotechnical information is not available.

Q: Will copies of plans depicting subsurface conditions be available to review? Copies of relevant plans include, but not limited to: storm water management systems, utilities and landfill liners.

A: All available plans were distributed as part of Addendum 4.

Q: Will the contractor be responsible for obtaining a Soil Erosion and Sediment Control Certification from the Hudson-Essex-Passaic Soil Conservation District?

A: If the project disturbs more than 5,000 square feet, the contractor must obtain a county soil erosion and sediment control permit.

Q: During the RFP meeting, the NJMC stated that part of the evaluation process would be a unit price based on kilowatts (kW). Please clarify.

A: The NJMC will evaluate unit pricing based on \$/kW as part of its evaluation along with consideration of other economic and non-economic criteria. Interested Parties shall submit projects with a lump sum cost not to exceed the rebate value and cost per kilowatt unit pricing for the system. NJMC shall use the submitted unit pricing to scale the project, in the event that additional funding becomes available.

Q: We understand from the RFP meeting that the contractor will receive payment through the CORE rebate after commission of the project. Is the \$1.15 million secured and guaranteed?

A: The NJMC has received an approval letter from the Office of Clean Energy approving the project and relative funding level. Before releasing the CORE rebate funds, the OCE must certify that the solar projects meets all of the requirements of the CORE rebate.

Q: Does the \$1.15 million fund allow for soft cost expenses, including, but not limited to engineering, permits, bonds and insurance?

A: The CORE rebate can be used for any costs associated with the project installation, including soft costs. The CORE rebate is not a tax credit. The CORE rebate is a one-time rebate. The NJMC is interested in maximizing system size as it relates to the CORE rebate without being out of pocket for any costs.

Q: Will the release of the funds be affected by the three-year maintenance period described in the RFP?

A: No.

Q: Under Section 4 of the RFP, there is an indication that "corporations not incorporated in the State of New Jersey... need certification by the Secretary of the State of New Jersey... that the corporation is authorized to transact business in New Jersey" and later, that "interested parties must provide valid business registration" in the state. How do the two differ and

A: All contractors and subcontractors must provide a Business Registration Certificate when seeking to do business with the State of New Jersey including public agencies in the state. In most cases, you may submit Form NJ-REG online. Please see the following site for more information:  
<http://www.state.nj.us/treasury/revenue/busregcert.htm>

Any business including an out-of-state business with a presence or nexus in New Jersey, operating as a corporation, limited partnership, limited liability company or limited liability partnership must first obtain legal authority to operate in this State (Authorization to do Business in New Jersey) prior to submitting Form NJ-REG. Generally, this is accomplished by filing organizational documents with the State of New Jersey such as a Certificate of Incorporation or Formation. Please see the following link for more information:  
<http://www.nj.gov/treasury/revenue/filecerts.htm>

Q: Do the above requirements apply to both members of a joint venture, if that mode is proposed, or to a solar developer not so licensed but sub-contracting with a systems-integrator who is so licensed in the state?

A: The business registration requirements apply to both members of a joint venture and to any subcontractors (please note that any joint venture must be a single business entity for purposes of contracting with the NJMC). The contractor must submit Business Registration Certificates for unnamed subcontractors prior to receipt of final payment.

Q: Similarly, do the requisite insurance and bond requirements apply to both members of a joint venture equally or shall that joint venture be a separate business entity. If a solar developer contracts with a systems integrator installer as a sub-contractor, do the same insurance and bond requirements apply to both equally?

A: Any joint venture must be a separate business entity for purposes of contracting with the NJMC. The insurance and bonding requirements apply to the business entity contracting with the NJMC for the project, except as otherwise stated in the RFP. There shall be no contractual relationship between any subcontractor and the NJMC.

Q: During the RFP meeting, there was discussion that the successful bidder would be responsible for submitting a land use permit to the Division of Consumer Affairs (DCA).

A: The selected contractor must apply to the Department of Community Affairs for sub code approval. The contractor is responsible for application fees.

Q: Is an environmental impact report required as part of the CORE rebate requirement or submission of a land use application to DCA?

A: Our current understanding is that no environmental impact report is required for the carport canopy solar project installation for either the CORE rebate or DCA.

Q: Will (or has) a to-scale site plan with current (or proposed) parking stall layouts for the three lots plus specialty parking stalls be provided?

A: All available drawings and plans were provided as part of Addendum #4.

Q: As financing will apparently be provided directly to the NJMC via a state grant, to what extent will net metering, SRECS, or other incentive programs, and/or a potential PPA agreement be involved or impacted? If so, to whom will the RECS / SRECS be assigned?

A: The NJMC will maintain ownership of all renewable energy credits and other incentives. Therefore, the price the NJMC currently pays for electricity and current usage data is not relevant. As the project is currently planned, \$1.15 million of an existing CORE rebate will be used as the sole source of payment for the project. The CORE rebate will cover the entire cost of the project for the contractor.

Q: Can the following information regarding the building be provided, assuming it has not already been provided - Will the interconnect of the distributed parking canopies be only to the NJMC Administration Building or will one or more of the other buildings on the DeKorte Park NJ Meadowlands campus be receiving the solar electricity to be generated by the proposed solar vehicle canopies?

A: The vendor should determine the best means of interconnect to the campus buildings. The Meadowlands Environment Center (aka NJMC Science Building) is the closest interconnect point to the East Lot site and the NJMC Administration Building is the closest interconnect point to the West Lot and Overflow Lot sites.

Q: Where are the electricity panels (points of access), circuit breakers, etc. in the building(s) in question? Can you provide manufacturer's name, rating, etc. for the subject building(s) main electrical panel?

A: The point of access for the electricity panel on the administration building at One DeKorte Park Plaza is on the northern side of the building to the west of the main entrance. The point of access for the electricity panel at the Meadowlands Environment Center (NJMC Science Building) is to be determined by the vendor. Regarding the main electricity panel for the administration building, a 750 KVA transformer feeds Square D electric panels 277/480 volt / 1000 amp to the supply and section bus.

Q: Is there room in an existing electrical cabinet(s) for additional switches, inverter(s), meters, etc.

A: There is limited room for additional components in the existing electrical cabinets. Space availability should be evaluated on a case-by-case basis.

Q: Will the parking lot photovoltaics be tied into the array on the research center in any way? Or will system output be directly to the subject building meter?

A: The parking lot photovoltaics should be tied into the meters of the main administration building and/or the Meadowlands Environmental Center building only.

Q: Is Lyndhurst, NJ the permitting authority for this site?

A: Building code permitting will be handled by the Department of Community Affairs.

Q: What is the wind zone at this site?

A: Attached is a "NJ Municipalities wind map" from the Department of Community Affairs Division of Codes and Standards website.

Q: Given the research facilities on site, is there a climate record available for the site?

A: No.

Q: What are the specific requirements for data capture, interpretation, and display at the site or on the web?

A: See Section 3.3 of the RFP.

Q: Is there any intention of repaving, resurfacing, or restriping the parking lots in question, in the near future?

A: Yes but vendors should submit proposals based on the campus as it exists today.

Q: Will the successful proposer be responsible for any of those actions, other than "patch and repair" of any excavations made?

A: The vendor shall be responsible for repairing any damage caused to the lot during construction. "Patch and repair" should be adequate for most excavations.

It is the responsibility of the vendor to restripe any parking lot spaces damaged during construction.

Q: Is there a soils report available for and *at the parking lots* in question? If not, is the soil known to be clay, rocky, or bottom land or former marshland with fill? What level is the local water table?

A: Available soils reports are attached to this addendum. Information on the level of the local water table is unavailable.

Q: Is parking lot lighting to be included in the proposal?

A: The vendor is responsible for ensuring that the parking lot remains lit at the current levels. The vendor shall include lighting as part of the system installation if necessary to maintain current lighting conditions.

**5. The following terms are hereby made part of the RFP:**

PUBLIC WORKS CONTRACTOR REGISTRATION ACT - The New Jersey Public Works Contractor Registration Act requires all contractors, subcontractors and lower tier subcontractors who bid on or engage in any contract for public work as defined in N.J.S.A. 34:11-56.26 be first registered with the New Jersey Department of Labor and Workforce Development. Any questions regarding the registration process should be directed to the Division of Wage and Hour Compliance at (609) 292-9464 or <http://www.nj.gov/labor/lsse/lspubcon.html>.

This Addendum modifies applicable sections of the RFP. It is the responsibility of the Interested Party to ensure that all changes are incorporated into the original RFP.

All documents distributed as part of this procurement are available at the public notice section of the NJMC website: <http://www.njmeadowlands.gov/public/notices.html>.