



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
PROCUREMENT BUREAU
33 WEST STATE STREET
P. O. BOX 230
TRENTON, NEW JERSEY 08625-0230
<https://www.njstart.gov>

ELIZABETH MAHER MUOIO
State Treasurer

SHEILA Y. OLIVER
Lt. Governor

MAURICE A. GRIFFIN
Acting Director

April 26, 2019

To: All Interested Vendors {Bidders}

**Re: Bid Solicitation # 18DPP00260
Solar Power Purchase Agreements (PPA)**

ORIGINAL Quote Submission Due Date: May 9, 2019 (2:00 p.m. Eastern Time)
REVISED Quote Submission Due Date: May 23, 2019 (2:00 p.m. Eastern Time)

Bid Amendment #1

The following constitutes Bid Amendment #1 to the above referenced Bid Solicitation:

- This Bid Amendment includes answers to questions;
- This Bid Amendment extends the Quote submission due date to May 23, 2019; and
- Please note that for all additions, deletions, clarifications and modifications to the Bid Solicitation, please refer to the following revised documents:
 1. Revised Bid Solicitation entitled "T3104 Revised Bid Solicitation 042619";
 2. Revised Pricing Schedule entitled "T3104 Revised Price Schedule 042619"; and
 3. T3104 Attachment 3 – Preliminary Sites.

It is the sole responsibility of the Vendor {Bidder} to be knowledgeable of all of the additions, deletions, clarifications, and modifications to the Bid Solicitation and/or the New Jersey Standard Terms and Conditions relative to this Bid Solicitation as set forth in all Bid Amendments.

All other instructions, terms, and conditions of the Bid Solicitation shall remain the same.

Bid Solicitation #18DPP00260
Solar Power Purchase Agreements (PPA)

Answers to Questions

Where applicable, each question references the appropriate Bid Solicitation section.

Note: This question has been paraphrased in the interest of readability and clarity.

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
1	PDF Documents	When trying to open a Portable Document (PDF) I am receiving an error message and am unable to access the PDF. How should I proceed? It is recommended that users utilize Internet Explorer to view PDFs. Certain PDF forms cannot be opened in the Chrome or Firefox built in PDF viewers that are enabled by default. If using Chrome or Firefox it is recommended that the file is downloaded instead by clicking the download button in the upper right-hand corner of the browser after an error message is received. An alternative option is to disable the built in PDF viewers in Chrome or Firefox.
2	Quote Submission	Should I check that I have properly completed and attached all of the required documents with my submitted Quote? Yes. Prior to the Quote Opening Deadline, a Vendor {Bidder} should review the documents comprising the submitted Quote to ensure that all of the required documents have been completed and attached. Oftentimes a Quote is deemed non-responsive because a Vendor {Bidder} fails to attach a required form or attaches a blank form. To review a submitted Quote a Vendor {Bidder} should log into NJSTART and review each document attached to the Quote submission. Instructions on how to review a submitted Quote can be found in the Quick Reference Guide entitled How to Review a Submitted Quote which is available on the NJSTART Vendor Support Page under Vendor Reference Guides.
3	Section 9.0 NJ Standard Terms & Conditions	Will the State allow Vendors to take exception to any of the Standard Terms and Conditions? As stated in Bid Solicitation Section 1.3.1.1 Exceptions to The State of NJ Standard Terms and Conditions (SSTC) - Questions regarding the State of New Jersey Standard Terms and Conditions (SSTC) and exceptions to mandatory requirements must be posed during this Electronic Question and Answer period and shall contain the Vendor's {Bidder's} suggested changes and the reason(s) for the suggested changes. Additionally as stated in Section 4.1 General - Quotes including Vendor {Bidder} proposed terms and conditions may be accepted, but Vendor {Bidder} proposed terms or conditions that conflict with those contained in the Bid Solicitation, as defined in Section 2.0 of this Bid Solicitation, or that diminish the State's rights under any Blanket P.O. resulting from the Bid Solicitation, may render a Quote non-responsive.
4	Term Clarification	Can you please clarify the difference between Quote, Bid Solicitation and Engagement? A Bid Solicitation is a series of documents, which establish the bidding and Blanket P.O. requirements and solicits Quotes to meet the needs of the Using Agencies as identified herein, and includes the Bid Solicitation, State of NJ

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
		Standard Terms and Conditions (SSTC), State-Supplied Price Sheet, attachments, and Bid Amendments. A Quote is the Vendor's {Bidder's} timely response to the Bid Solicitation including, but not limited to, technical Quote, price Quote, and any licenses, forms, certifications, or other documentation required by this Bid Solicitation. An Engagement is a written request of the Vendor {Contractor} to provide services based on the scope of work given by the Using Agency or the Department of Management and Construction. Please refer to T3104 Revised Bid Solicitation 042619.
5	Escrow account	With regard to the escrow account that would serve as an Acceptable Security Instrument, what contract year would the Vendor (Contractor) need to begin making monthly deposits? The Vendor {Contractor} would need to begin making monthly deposits upon the award of an Engagement. Using monthly deposits towards an escrow account as an Acceptable Security Instrument would begin the first month the system is operational. Vendors {Bidders} are encouraged to re-read Sections 2.2 and 3.16.1 of this Bid Solicitation.
6	Clarification of quote information	A) Can you please elaborate on the bid solicitation selection process and initial quote requirements? A) Quotes will be technically evaluated, and awarded based on price and other factors. B) What information is required from developers in order to be selected as a prequalified Vendor? B) Please refer to Section 4 of this Bid Solicitation. C) What information is required after prequalified vendors are selected. C) Using Agencies will issue an Engagement in a mini-bid whereby the prequalified pool of Vendors {Contractors} must provide pricing based on the scope of work in the Engagement. D) Are developers required to submit engineering designs, price quotes/PPAs in order to be considered for the prequalified vendor pool or is that information that is provided after? D) No, that information is required after during the Engagement Process.
7	Union Requirements	Is union labor required on these jobs? No, union labor is not required on these jobs.
8	Union Requirements	If union labor is not required, will union labor be preferred or favored by the state when vendors are selected? Union labor is neither preferred nor favored by the State when Vendors {Bidders} are selected.
9	Pricing	For pricing purposes should we assume that all systems in each pool would be installed behind the meter?

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
		For pricing purposes, Vendors {Bidders} should assume that all systems in each pool would be installed “behind the meter”. As Community Solar and other programs become available, they will be addressed in the Engagement process within the term of the Blanket P.O.
10	T3104 Solar PPA Price Schedule 1	The “medium” size category is quite large, going from 50 to 2,000 kW. Projects toward either end of that spectrum will have very different economies of scale. Would you be willing to further divide that up into smaller segments? We might suggest 50-400, 401-1000, and 1001-2000. This would bring the total number of categories from 3 to 5 – the 3 listed above, plus <50 and >2000. The State is unwilling to accept this proposed modification.
11	SREC Market	In light of the turbulence in the New Jersey SREC market and uncertainty surrounding the SREC Transition Program and Successor Program, can the State of New Jersey provide a SREC price assumption that bidders can use to provide comparative pricing, all using the same assumptions? No, the State cannot provide a SREC price assumption that Vendors {Bidders} can use to provide comparative pricing.
12	More Detail on Bonds Section 3.3	A) In Section 3.3 Using Agency Engagement Process, the RFP states that a bid bond, payment bond, and performance bond will be required for each Engagement. Should the bid, payment and performance bonds be considered in the Base Rate or should they be included in the Adder Pricing? A) The bid bond, payment bond and performance bond shall be considered in the Adder Rate, which will be submitted upon each Engagement. As stated in Section 3.3 of this Bid Solicitation, such bonds shall be provided by the Vendor {Contractor} either with each Engagement response, or prior to any work beginning on any specific Engagement. The Vendor {Bidder} is not required to include the bid bond, payment bond, or performance bond in the Base Rate that will be included in the Vendor’s {Bidder’s} Technical Quote. B) Could the State of NJ specify how long it would like a performance bond and the dollar amount of security required? Long-term performance bonds throughout the project life will add long term operating costs that will increase PPA rates. B) Each performance bond will vary in dollar value by each site-specific Engagement between the Vendor {Contractor} and its Subcontractor. The performance bond is only required from the start to the completion of the construction of the Photovoltaic System at any given Site provided in the Power Purchase Agreement (PPA). Yes, performance bonds through the project life would increase operating costs, but a performance bond should only be between the Vendor {Contractor} and its Subcontractor during the construction periods of the project. Long-term performance bonds that extend past the construction close-out period are not required.

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
13	Interconnection Grid Upgrade Cost Assumption Section 3.5	In Section 3.5: Electrical Generating Equipment, the RFP states that the Vendor should provide interconnection of the system at no additional cost to the state. Is the State of NJ willing to set an interconnection upgrade cost assumption for all bidders to use to make it easier for the State to compare bidders? Any utility required interconnection upgrades will be considered in the site-specific Engagement responses as different locations may require varying amounts for system interconnection.
14	Prevailing Wage Section 9.0, Subsection 2.3	Will each of the engagements for all using agencies under this P.O. be subject to prevailing wage requirements? What about for any opportunities under the cooperative purchasing program? Yes, all engagements are subject to prevailing wage requirements.
15	Buy American Requirement Section 9.0, Subsection 3.7	In Section 3.7: Buy American, the RFP requests that all manufactured items be produced in the United States. Most high quality solar modules and inverters are manufactured outside of the United States, so only using American made equipment will significantly increase the proposed PPA prices. Is the State of NJ willing to accept proposals from bidders that make a reasonable effort to have some equipment, but not all, meet the Buy American requirement in order to offer the most economic proposal to the State of New Jersey? Please refer to T3104 Revised Bid Solicitation 042619 Sections 1.1 and 4.4.5.2, and T3104 Revised Price Schedule 042619.
16	Availability of Funds Contingency Section 9.0, Subsection 6.6	In Section 6.6: Availability of Funds, the RFP states that the State's obligation to make payment is contingent on appropriation of funds. In order to propose PPA pricing for a 20 year term, we as the financier will need to have assurance that the state entity will be able to pay for each year of the contract term. How will the state entity manage this financier requirement (included in the draft PPA document) with this Section 6.6 annual re-allocation of appropriate state funds? The New Jersey State Government is funded on a yearly basis, with its fiscal year July 1 to June 30. While it is highly unlikely that yearly appropriations will not be sufficient to pay utility bills for State-owned and occupied premises, there is no way to guarantee the budget from year to year.
17	Attachment 1 Proposed Sites	A) In Attachment 1, there are proposed sites included. Should our proposal response include any preliminary layouts or energy modeling for the proposed locations? A) No preliminary layouts or energy modeling for the proposed locations in T3104 Attachment 1 – Location List are to be included with the Vendor's {Bidder's} Technical Quote. Those will be requirements of the site-specific Engagements. B) Are our proposed prices for each size and region (in the PPA Price Schedule) based on these specific sites or just general Base Rate pricing?

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
		B) The proposed prices for each size and region should just be general Base Rate pricing varying with regional labor costs and economies of scale for each size and region.
18	T3104 Attachment 1	What is the address of the “Labor & Industry Building?” The address of the Labor & Industry Building is One John Fitch Plaza, Trenton, New Jersey 08608.
19	T3104 Attachment 1	What is the address of “Distribution Center – Stuyvesant Road (Trenton)?” The address for the Distribution Center – Stuyvesant Road (Trenton) is 1620 Stuyvesant Ave., Trenton, NJ 08618.
20	T3104 Attachment 1	If not already included, would you consider adding the Dept of Heath and Dept of Agriculture on Warren St. in Trenton? The State is unwilling to modify T3104 Attachment 1 – Location List at this time. Locations will be added to the list as the program is expected to expand to various locations throughout the State that are not currently included in the list. As stated in Section 3.1 of this Bid Solicitation, the State reserves the right to add or delete facilities from T3104 Attachment 1 – Location List during the term of the Blanket P.O.
21	Ground mount systems Attachment 3	Is it possible to get a Google Earth image markup of the location of any ground mount systems being considered at sites included in the the list of sites? Please refer to T3104 Attachment 3 – Preliminary Sites. Included in this attachment are some preliminary studies of site plan mark-ups for solar development based on agency consideration for land use at these facilities. The preliminary facilities have not been studied yet.