

# **State of New Hampshire Department**

## **New Hampshire Solar For All Program**

### **Grants for Community Solar Photovoltaic (PV) Projects Providing Direct Benefits to Low-Income Communities Residential Electric Customers**

## **REQUEST FOR PROPOSALS (RFP)**

### **Executive Summary**

With funding made available through the Greenhouse Gas Reduction Fund (GGRF) awarded by the U.S. Environmental Protection Agency (EPA) to the New Hampshire Department of Energy (Department), the Department issues this Request for Proposals (RFP) seeking proposals for low-income serving community solar projects.

The NH Solar for All Community Solar Grant Program will require that projects requesting full funding demonstrate that at least 75% of the project's net revenues from a proposed array directly benefit low-income participants. It will be a condition of the program that project proposers demonstrate and ensure that for each solar project low-income participants will receive the minimum household savings of 20% of the average household utility bill. The Solar for All Community Solar Grant Program will also allow for 20% of funding for the projects selected to be utilized for enabling upgrades.

Total funding available under this RFP will be \$3,000,000. Projects must be completed no later than April 2029.

#### **I. OVERVIEW**

##### **A. Background and Purpose**

The EPA's Solar for All program provides funds to states, territories, Tribal governments, municipalities and nonprofits across the country to develop long-lasting solar programs that enable low-income communities to deploy and benefit from distributed residential solar, lowering energy costs for families, creating good-quality jobs in communities that have been left behind, and tackling climate change. The EPA granted \$43,510,000 to the State of New Hampshire for the Solar for All competitive grant program under the EPA GGRF. New Hampshire's program is a partnership between the Department as lead, the New Hampshire Community Loan Fund, and New Hampshire Housing Finance Authority. The Department is expanding upon the Renewable Energy Fund's Low-Moderate Income Community Solar Program pursuant to RSA 362-F:10.

Solar for All Community Solar Projects are defined as ground-mounted or rooftop solar arrays that directly benefit a group of at least 5 residential end-user customers, where at least a majority [at least 3] of the residential end-user customers are at or below 80 percent area median income and/or 200 percent of the federal poverty guidelines. No more than 15 percent of the projected load for such project shall be attributable to non-residential end-user customers.

The Department is seeking proposals from qualified individuals, entities, or multiple entities for community solar projects that would provide direct benefits to low-income residential electric customers. For the purposes of this RFP, a residential electric customer is a residential customer of an electric utility that receives electric bills in the customer's name. The total funding available under this RFP is \$3,000,000.

All grant awards are contingent upon final grant agreement approval by the Governor and Executive Council. The Department reserves the right to make partial awards.

## B. Definitions

As used in this RFP, the term "project" includes both the equipment and facilities comprising the solar PV system, and the management and administration of financing, funding, operations, maintenance, benefits provision, participating customer income verification, admission, replacement, education, communications, and other related matters.

## C. Basic Project Eligibility Requirements

Due to the conditions of this award, New Hampshire Public Housing Authorities and Resident Owned Communities (ROCs) are not eligible for this grant program. The New Hampshire Housing Finance Authority and the New Hampshire Community Loan Fund will have related programs targeted to these two entities respectively in the near future. Please see their respective websites for further details.

To be eligible for funding, projects must meet the following minimum requirements:

1. Proposers must propose new resident-owned or third party-owned ground-mounted, carport, or rooftop, community solar PV projects.
2. Projects must utilize grant funds primarily for capital investments in new solar PV projects that will result in a quantifiable direct benefit to a minimum of five residential electric customers or housing project within the same electric distribution utility service territory and where at least the majority of participants must be low-income. Low-Income is defined as end-user customers whose income is at or below 80 percent area median income and/or 200 percent of the federal poverty guidelines.  
*The 2023 Federal Poverty Guidelines (FPG) may be found at: Federal Register: Annual Update of the HHS Poverty Guidelines.*
3. Community solar projects need to guarantee a minimum 20% savings per household of \$262.40 per year. If project building is master metered, alternative savings amounts will be considered if proven to be a minimum 20% savings per household.

*The average electric utility bill in New Hampshire is \$1,312.00 per year. 20% minimum household savings would be \$262.40 per year subject to change in 2025 when new data is released. [ce2.6.st.pdf](#)*

4. Projects must provide direct benefits to low-income customers from the date of initial operation through the earlier to occur of (i) 20 years, or (ii) the end of the project's useful operational life.
5. Projects must be operational no later than April 2029 after grant agreement approval by the Governor and Executive Council.
6. Proposers may not also request and/or receive funding from the Renewable Energy Fund LMI Community Solar Program for the same project.
7. Projects shall be eligible for the grant if they have or plan on getting an EAP LMI Community Solar Project designation provided for under Senate Bill 270 (2022).
8. Only community solar PV projects are eligible for funding under this RFP.
9. Projects must be physically located in New Hampshire; any point of grid interconnection must also be in New Hampshire.
10. Low-Income participants must be residential customers within the same utility territory of the PV community solar system.
11. Proposers must confirm that control of any site(s) on which their project(s) will be constructed has been secured, through ownership, lease, or binding option to acquire or lease such site(s).
12. Projects requesting full funding through this RFP must demonstrate that a minimum of 75% of the project's net revenues from electric generation will directly benefit low-income participants.

## II. PROPOSAL SUBMISSION REQUIREMENTS

The overall proposal emphasis should be on completeness and clarity of content. Proposals that are incomplete or unsigned will not be considered. Proposals must include the following information, and respond to all areas listed below, in the order listed.

1. Cover Letter: Provide a brief (maximum of two pages) submittal cover letter that includes a summary describing the proposer's commercial building knowledge and technical monitoring experience and how the proposer proposes to provide the required services.
2. Project Summary Sheet: A brief description of the proposer, summary of project proposed, key project contacts, project size, anticipated completion date, number of low-income participants, annual savings per participant, total cost of project and funding request.
3. Response to the Scope of Services: A brief discussion of how the proposer would perform the services, the resources the proposer would use, how the proposer would document if the program was in compliance with all the federal regulations, the issues and challenges the proposer foresees, etc.
4. Qualifications, Relevant Experience, References and Work Samples: The proposal should include a detailed description of the proposer's qualifications and relevant experience, highlighting areas of expertise, accomplishments, and information about current and previous employers or clients. Along with this, a resume should be attached that

showcases the number of years of experience, education, and professional affiliations. If the proposer plans to collaborate with a sub-contractor, that individual or group's name, qualifications, and relevant experience must also be provided. The proposal must list two references that are familiar with the proposer's work and expertise and their contact information. Relevant work samples are not required; they may be submitted electronically if desired.

5. Budget: A detailed schedule of fees and estimated costs for completion of the work scope, including details on key personnel positions, rates, fees, and hours. The detailed cost estimates should encompass the full scope of work described in this RFP, including time, travel, and any other costs necessary to complete Scope of Services and Deliverables as described in Section III below.
6. Additional Information: Davis-Bacon Wage Determinations, Davis-Bacon Assurance Letter, BABA Assurance Letter, and QA Assurance Letter. The submittal of additional information that would be beneficial to the Department in the technical monitor selection process is allowed.
7. Disclosure: An explicit statement regarding whether any existing or potential conflicts of interest exist, including those that arise because of relationships or affiliations with parties at the Department.
8. Compliance with Form P-37 (contract): An explicit statement that the proposer shall comply with the terms of the Form P-37.

### III. SCOPE OF SERVICES

#### A. Technical Project Proposal

1. Overview of project site location (including panoramic and aerial site photos) and description of where array is to be sited.
2. System size (kW AC and kW DC), and generating facility equipment, including manufacturer and model (if applicable) of inverters, panels, racking, production meter and monitoring software.
3. Solar PV system schematic (including one-line drawing with an attached copy of any relevant engineering or feasibility studies).
4. A complete Solar Site Survey, including a solar shading analysis and estimated annual production; a minimum of 80% optimal insolation is required. Please attach a copy of the whole Solar Site Survey.
5. Projected kilowatt-hours (kWh) to be generated (annual and lifetime) and the assumptions (e.g., capacity factor) used for the estimate.
6. Detailed project timeline, including start date, key milestones in project progress (e.g., design, permitting, construction, start-up, commissioning), and expected interconnection date.
7. List of permits and approvals required and status of such permits and approvals, including any lease or site-control arrangements with property owners. Please attach a copy of any applicable lease agreement or any other documents that demonstrate site control.
8. Description of the Town/City approval process for this project including timelines and important dates.

9. Describe the status of the interconnection review process. Provide the date on which each of the following steps occurred or is anticipated to occur: i) submittal of Pre-Application, ii) submittal of Interconnection Request, iii) execution of System Impact Study Agreements, iv) execution of Interconnection Agreement, v) interconnection cost.
10. If a roof-mounted system, demonstrate that a structural analysis has been completed.
11. Describe project ownership structure, identify system owner, identify site owner, if different, including names of all project owners and project site ownership and/or leasing structure, and describe any power purchase agreement (PPA), if applicable. Please attach a copy of any applicable PPA. Please include letter of support from the site owner, if different from the system owner(s) and/or project owner(s).
12. Describe assignments and roles of individual key project personnel, listing the project developer, solar installation company, New Hampshire licensed electrician, and any other project personnel, including group net metering registration and management.
13. Describe operations and maintenance plan for the system, including short-term and long-term system operation, maintenance, and monitoring arrangements, and estimated project lifespan, including any associated costs. If applicable, please indicate if proposer will use the operation and maintenance plan provided through the solar company and the associated costs.
14. Describe the Labor and Product Warranties; note that a minimum of five years' labor warranty is required. Projects must include a long-term plan for one full replacement of project inverters.
15. The Solar for All Community Solar Grant Program will also allow for 20% of funding for the projects selected to be utilized for enabling upgrades, including battery storage.
  - a. Enabling upgrades can include roof repair and upgraded structural support.
  - b. Provide a detailed description of the battery storage systems utilized in the proposed project. System size and equipment, including manufacturer and model (if applicable) and monitoring software. Describe the Product Warranties, operations and maintenance plan, long-term plan for replacement or decommissioning of the system and estimated lifespan. Describe permit and Town/City approval process.

## B. Project Model

A narrative description comprehensively addressing how the community solar PV project will be designed and managed, and the net benefits that will be provided directly to participating low-income customers:

1. Low-Income Participant Benefits:
  - a. Describe estimated monthly or annual direct electric bill impacts (in kWh for which benefit will occur or be allocated) to low-income participants, if applicable, and any allocation of monetary credit from exported kWh to low-income participants and to non-low-income participants.
  - b. Describe all benefits to be provided to low-income participants and how those benefits will be provided to low-income participants (e.g., through on-bill credits, group net metering (GNM), rental payment reduction, etc.). Proposers must provide data projections expressed in dollars that clearly demonstrate the annual

net direct benefits to each low-income participant for the first 10 years following initial operation of the PV system (data for additional years may be presented if desired). Projects must be designed to ensure that each participating resident realizes a minimum of 20% savings equaling \$262.40 per year on their electric bills.

- c. List the total number of low-income participants, and the number of non-low-income participants (individual names should not be listed; general descriptions should be provided instead; however, the proposer must be able to verify names and income levels upon request). The required minimum low-income participant per kWh AC is one low-income participant per 1.22 kWh AC.
  - d. Describe any other costs to low-income participants not included above; describe costs to non-low-income participants.
  - e. On-bill credits are not considered income, therefore, do not affect eligibility for this program. Excluding on-bill credits describe any identified potential impacts on public benefits program eligibility of participating low-income customers (such as Section 8 rent subsidy, Supplemental Security Income (SSI), Temporary Assistance to Needy Families (TANF), Medicaid, Supplemental Nutrition Assistance Program (SNAP), etc.).
  - f. Describe possible tax consequences to low-income participants. If the proposed system is to be owned by low-income participants, please describe measures taken to avoid excess production payments from being considered taxable income.
  - g. Describe ownership interest of the low-income participants, if applicable.
  - h. Describe if array is located in a solar tax-exempt town/city. Please estimate the annual property tax costs associated with the array.
  - i. If the project will operate through Group Net Metering (GNM), describe the group management plan for group changes and annual reporting. Describe the plan for meeting load/production annual requirements and funding source/ plan for payment to utility at end of calendar year if load requirement is not met (ie. not going to be deducted from low-income benefit)
2. Participant Communications:
- a. Describe how low-income participants will be identified/recruited, initial and ongoing income verification, etc.
  - b. Define proposed method for and cost of income verification. Identify who will pay those costs.
  - c. Describe process for participant and/or group management, including handling new (additional) participants and/or enrollment of replacement participants.
  - d. Describe method of participant engagement, participating customer education and outreach, and ongoing communication.
  - e. Describe the administrative costs you anticipate for the project, including overhead, management fees, office supplies, and other relevant expenditures for the life of system (20yrs).
3. Ownership Model:
- a. Provide a clear description of who will own the community solar PV system and for how long. If ownership will be transferred or sold during the operational life

of the system, please explain when and how that will take place, and what, if any, transaction costs will occur and who will pay them.

- b. If the community solar PV system is third party owned, describe plans for effective management and communications between third party owner and organization providing direct benefits to participating residential electric customers.

4. Metering Arrangements:

- a. Will this project be serving a master-metered building or individual meters?
- b. Describe any GNM arrangements, if applicable, including how community solar PV benefits will be provided to participating customers.
- c. Describe who will be the responsible party for submitting GNM registration.
- d. Describe any on-bill-credit arrangements required, if applicable, including how community solar PV benefits will be provided to participating customers.
- e. Indicate if the project intends to qualify for the LMI Adder available through the passage of SB 165 (2019). Projects must qualify by having a SB 270 designation or met the definition of LMI community solar project defined in RSA 362-F:2, X-a, "The phrase "low-moderate income community solar project," is defined as "ground mounted or rooftop solar arrays that directly benefit a group of at least 5 residential end-user customers, where at least a majority [at least 3] of the residential end-user customers are at or below 300 percent of the federal poverty guidelines. No more than 15 percent of the projected load for such project shall be attributable to non-residential end-user customers."
- f. Confirm if the project has or will apply to the Department for designation as an LMI Community Solar Project eligible for the EAP LMI Community Solar Program implemented under Senate Bill 270 (2022).
- g. Describe the utility's role in implementing the proposed project. All SFA Community Solar Program project proposers shall communicate directly with the appropriate utility regarding any utility requirements, and shall document such communications and related conclusions, if any, as part of their responses to this RFP.
- h. Identify the current or expected rate class of the interconnecting meter account holder(s).

5. Workforce:

- a. Describe the apprenticeship program that will be used for this project.
- b. Provide contractor details to the Department if apprenticeships will not be utilized in this project.

C. Project Development Costs and Financing

- 1. Provide total project cost estimate, including itemized costs for equipment, labor, design, permitting, interconnection, materials, balance of system costs, etc., and any specific quotations from vendors and contractors.
- 2. State the grant amount being requested from the Department.
- 3. Describe the project's financing plan, financing status, and letters of intent/commitment

obtained or expected from any third-party investors, lenders, or financiers. If securing financing from outside lenders, identify the lending institution and describe the interest rate, term, and all material conditions of the loan(s).

4. Describe all other financial resources and funding sources, including grants, rebates, LMI Adder, tax credits, etc., anticipated to be used by or for the project.
5. Describe and quantify in dollars any funding to be received from community solar PV project participants (both low-income and non-low-income), if applicable, including initial joining fees and ongoing subscription fees including amount, frequency and term (if funding or fees differ for low-income and non-low-income participants, list each cost separately).
6. Describe use of federal investment tax credit (ITC) and/or any other tax incentives.
7. Describe costs of initial project administration, such as low-income participant identification, marketing, education, and income qualification.

#### D. Ongoing Project Management Costs and Financing

1. Describe any financial resources, including, grants, rebates, tax credits, etc., anticipated annually to cover project administration costs, if any.
2. Describe any funding from community solar PV project participants (both low-income and/or non-low-income), if applicable. List any ongoing subscription or other fees (i.e., amount, frequency, and term). If costs differ for low-income and non-low-income participants, list each cost separately.
3. Describe costs of administration such as new low-income participant identification, ongoing annual income verification costs, and participant and/or group management costs, including filing of annual group net metering report, and management of group changes
4. If group net metering, describe funding source in event group load does not exceed generation in a given year which would result in required payments to utility.

#### E. Qualifications and Experience

1. Provide a summary of the qualifications, experience, and roles of the project team. As a separate attachment to the proposal, provide resumes of key personnel, including community solar developer, if applicable, solar installation company, contractors and subcontractors, such as electrician(s). List proposer's years of experience, specifically including community solar project experience (resumes should be limited to relevant experience).
2. Summaries of similar community solar or low-income projects undertaken by key personnel (including the date of project installation, summary of project, current status of project, client name, and name and phone number of contact for reference).

#### F. Conflicts of Interest

Describe any potential conflicts of interest on the part of any members of the project team or its contractors and subcontractors. Contractors have a continuing obligation throughout the entire procurement process to update this information.



#### G. P-37 Compliance Statement

An explicit statement that the proposer shall comply with the requirements of Form P-37.

#### IV. PROPOSAL SELECTION PROCESS AND CRITERIA

Proposal review, selection, and award will be conducted in accordance with the following steps:

Step 1: Proposal Screening: The Department shall assess the completeness and responsiveness of proposals to eliminate non-conforming proposals; the Department may waive or offer a limited opportunity to cure immaterial deviations from RFP requirements if it is determined to be in the best interests of the State;

Step 2: Preliminary Evaluation: An Evaluation Team consisting of Department Staff shall evaluate and score conforming proposals according to the criteria below, including both technical requirements and funding amount requested (See Attachment B, Scoring Criteria Summary Sheet for an example of the scoring sheet);

Step 3: Final Evaluation: The Evaluation Team may request and hold interviews, and product demonstrations if applicable (if requested as described below) and conduct reference checks (if appropriate). Following interviews, product demonstrations and reference checks and review of written clarifications of proposals requested by the Evaluation Team (if any are requested), the Evaluation Team will refine the score from the Preliminary Evaluation.

Step 4: The Department shall negotiate, if necessary, and develop grant agreements and related contract documents with selected proposers;

Step 5: The Department shall submit completed grant agreements to the Governor and Executive Council for approval.

Notwithstanding any other provision of this RFP, this RFP does not commit the Department to make an award. The Department reserves the right, at its sole discretion, to reject any or all proposals, or any portions thereof, for any reason, at any time, including, but not limited to, canceling the RFP, and soliciting new proposals under a new acquisition process. If, for any reason, negotiations with the top scorer(s) do not result in a contract(s), despite reasonable efforts made in good faith, the Department may go to the next highest scorer(s) and seek to negotiate with that proposer(s).

Proposals will be deemed incomplete, nonconforming, and ineligible for grant funding if information required under this RFP is not included in the proposal. Proposals that fail to meet the following criteria will be deemed ineligible:

- Filing of a timely proposal in the required manner;
- Propose a project for community solar photovoltaic that will provide direct benefits to Low-Income residential electric customers who reside within the same electric distribution utility service territory;
- Present a comprehensive plan that clearly demonstrates and quantifies the net direct

- benefits to participating Low-Income customers;
- Present a comprehensive plan that clearly outlines project participant management plan including responsible parties and including group registration and ongoing group management plan for projects using group net metering;
  - Identification of potential contractors and subcontractors, if applicable, or a detailed process and timeline to identify and engage them;
  - Listing of key project milestones and the associated timeline and project schedule; and
  - Identification of other funding and financing sources, or in the alternative a statement that there are no other funding or financing sources, and related letters of intent or commitment.
  - Projects or portions of projects that have requested funds from the Department's Non-Residential Competitive Grant Program, REF LMI Community Solar Program, Commercial & Industrial Renewable Energy Rebate Program, or Residential Renewable Electric Generation Incentive Program are also ineligible.

In accordance with New Hampshire Executive Order No. 2023-05, any Proposer that is determined by the Department to be boycotting Israel shall be disqualified, and its proposal deemed ineligible.

Ineligible projects will not be scored. All projects deemed ineligible will receive notification of that determination.

During the evaluation process, if the Evaluation Team determines that it is appropriate, proposers may be invited to oral interviews and/or demonstrations, including demonstrations of any proposed systems or technology components. The Department retains the sole discretion to determine whether to conduct oral interviews, with which proposers, and the number of interviews. Proposers are advised that the Department may decide to conduct interviews with fewer than all proposers.

The purpose of oral interviews and demonstrations is to clarify and expound upon information provided in the written proposals. Proposers are prohibited from altering the basic substance of their proposal during the oral interviews and /or demonstrations. Department staff may ask the proposer to provide written clarifications of elements in the Proposal regardless of whether Department staff intend to conduct oral interviews. Information gained from oral interviews and demonstrations will be used to refine scores assigned based on the preliminary evaluation of the Proposal.

The Department will consider the following criteria and assign a corresponding point score. A maximum score for all criteria would be 110 points:

1. **Technical Project Specifications.** Proposal elements evaluated will include cost - effectiveness of project; direct ownership of project; optimal project siting; locational benefits; optimal energy modeling (e.g., Solar Pathfinder) results; labor and equipment warranties; inverter replacement warranty or plan; community solar PV project development team experience.

**Maximum Point Score 30**

2. **Project Model.** Proposal comprehensively addresses low-income participant benefits; participant communications; ownership model; metering agreements; and workforce.

**Maximum Point Score 10**

3. **Net Direct Benefits to Low-Income Participants.** Assessment of project will include evaluation of the net direct annual benefits to be provided to participating low-income residential electric customers during the first 10 years following initial operation of the PV system; the amount of grant funding requested in relation to the net direct low-income benefits being provided; the number of participants who are low-income; and the percentage of energy produced that is effectively allocated to low-income participants.

**Maximum Point Score 30**

4. **Project Development and Ongoing Project Management Costs and Financing.**

Proposer proposes a realistic and achievable project with a clear definition of project ownership and team members; secured project site control; identified community solar participants (low-income and non-low-income); a well-defined and feasible project timeline; project personnel demonstrating low-income participant experience; all necessary permits obtained or applied for; and financing, funding, and/or investment commitments obtained, if applicable.

**Maximum Point Score 15**

5. **Qualifications and Experience.** Proposal presents a clear and detailed approach to initial identification, income verification, recruitment, enrollment, and replacement, when necessary, of low-income participants; methods of effective long-term project management and administration; minimal administrative and financial impacts on utility and Department; minimal potential impacts on public benefits program eligibility of low-income customers; and plans for effective low-income participant education, engagement, and outreach.

**Maximum Point Score 15**

6. **Bonus Points: Battery Storage.** Proposal clearly describes the battery storage systems utilized in the proposed project. System size and equipment, including manufacturer and model (if applicable) and monitoring software. Describes the product warranties, operations and maintenance plan, long-term plan for replacement or decommissioning of the system and estimated lifespan. Describe permit and Town/City approval process.

**Maximum Point Score 5**

7. **Bonus Points: Apprenticeships.** Proposal describes the apprenticeship program that will be used for this project.

**Maximum Point Score 5**

## V. GENERAL CONDITIONS

The Department reserves the right to the following: to reject or accept any or all proposals, or any part thereof; to determine what constitutes a conforming proposal; to waive irregularities that it considers non-material to the proposal, solely as it deems to be in the best interests of the State; to negotiate with any selected firm(s) or individual(s) in any manner deemed necessary to best serve the interests of the State, including to negotiate lower fees or a different hourly rate

structure; and to contract for any portion of the proposals submitted and to contract with more than one proposer. In the event that the Department determines to contract with more than one proposer, the Department reserves the right to assign components of the contract according to relevant qualifications and experience, and availability. This RFP and all information relating to this RFP (including, but not limited to, fees, contracts, agreements, and prices), are subject to the laws of the State of New Hampshire regarding public information and state procurement of goods and services.

1. Requests for Additional Information. The Department reserves the right to request additional information from any or all parties submitting proposals to assist in the evaluation process.
2. Confidentiality of Proposals and Information Provided to Proposers. Proposals must remain confidential until the effective date of any grant agreement resulting from this RFP. A proposer's disclosure or distribution of proposals other than to the Department may be grounds for disqualification, unless disclosure was made to other funding sources to obtain funding. Each proposer also agrees to maintain as confidential all information to which it has access in the course of this RFP and any related contracting process, until such time as it is instructed otherwise by the Department.
3. Public Disclosure.  
Pursuant to RSA 21-G:37, all responses to this RFP shall be considered confidential until the award of a contract. On the closing date of responses, the Department will post the number of responses received with no further information. No later than five business days prior to submission of a contract to the Department of Administrative Services pursuant to this RFP, the Department will post the name of each proposer, and rank or score of each proposal eligible to be scored. In the event that the contract does not require Governor and Executive Council approval, the Department shall disclose the name of each proposer and rank or score of each proposal eligible to be scored at least five business days before final approval of the contract. All such postings may be viewed on the Department's website at: Requests for Proposals | NH Department of Energy.

By submitting a proposal, the proposer acknowledges that the Department is subject to the Right-to-Know Law, RSA Chapter 91-A. The content of each proposer's proposal shall become public information upon the award of any resulting contract. Copywritten materials submitted along with a proposal are subject to Chapter 91-A and will be made available to the public unless it appears that the proposer has violated the original copyright. If a proposer copyrights its proposal materials, then by submitting the copywritten proposal, the proposer waives any copyright protections as to the state, its employees, and agents, and agrees that the state may copy and distribute the proposal for purposes such as, but not limited to, scoring, contracting, and responding to public information requests. Any information submitted as part of a response to this RFP may be subject to public disclosure unless otherwise exempt. See RSA 91-A. In addition, in accordance with RSA 9-F:1, any contract entered into as a result of this RFP may be made accessible to the public online through the website Transparent NH: (<http://www.nh.gov/transparentnh>). However, business financial information, confidential information, such as personally identifiable information, including, but not limited to, social

security numbers, taxpayer identification numbers, employer identification numbers, and account numbers, proprietary information such as trade secrets, financial models and forecasts, and proprietary formulas, may be exempt from public disclosure under RSA 91-A:5, IV.

If any part of its proposal contains information that a proposer asserts is exempt from public disclosure, the proposer must specifically identify all relevant text in a letter to the Department and must mark or stamp each page of the materials claimed to be exempt from disclosure as “confidential,” and provide support for such assertion(s) as part of proposer’s response to this RFP. The proposer shall explain, in writing, what measures it has taken to keep such information confidential, and the personal privacy or competitive business interests that would be harmed if such information were to be publicly disclosed. The explanation shall also identify by page number and proposal section number the specific information the proposer claims to be exempt from public disclosure pursuant to RSA 91-A:5. It is helpful if the text claimed to be confidential is also highlighted, underlined, or otherwise identified in the actual proposal itself. Marking the entire proposal or entire sections of the proposal as “confidential” will neither be accepted nor honored.

The Department shall maintain the confidentiality of information contained in proposals, insofar as doing so is consistent with RSA Chapter 91-A. Any information a proposer identifies as exempt from disclosure shall be kept confidential until the Department has determined, as necessary, whether such information is exempt from public disclosure pursuant to RSA 91-A. In the event that the Department receives a request to view portions of a proposal that the proposer has properly and clearly marked “confidential,” the Department shall notify the proposer and specify the date the Department intends to release the requested information, redacting any information the Department independently concludes is exempt, consistent with applicable laws and regulations. Any effort to prohibit or enjoin the release of the information the Department identifies for release shall be the proposer’s responsibility at the proposer’s sole expense. If the proposer fails to obtain a court order enjoining the disclosure, the Department may release the information on the date the Department specified in its notice to the proposer(s), or in its notice to any other relevant parties, without any liability to the proposer(s).

The Department shall maintain the confidentiality of information contained in proposals, insofar as doing so is consistent with RSA Chapter 91-A. Any information a proposer identifies as exempt from disclosure shall be kept confidential until the Department has determined, as necessary, whether such information is exempt from public disclosure pursuant to RSA 91-A.

In the event that the Department receives a request to view portions of a proposal that the proposer has properly and clearly marked “confidential,” the Department shall notify the proposer and specify the date the Department intends to release the requested information, redacting any information the Department independently concludes is exempt, consistent with applicable laws and regulations. Any effort to prohibit or enjoin the release of the information the Department identifies for release shall be the proposer’s responsibility at the proposer’s sole expense. If the proposer fails to obtain a court order enjoining the disclosure, the Department may release the information on the date the Department specified in its notice to the proposer(s), or in its notice to any other relevant parties, without any liability to the proposer(s).

A.     Proposers' Costs. By submitting a proposal, a proposer agrees that in no event shall the Department be either responsible for or held liable for any costs incurred by the proposer in preparation of or in connection with the proposal, or for work performed prior to the effective date of a resulting grant agreement.

B.     Equal Employment Opportunity and Non-Discrimination. All parties submitting proposals shall be Equal Opportunity Employers. Funding recipients will be expected to comply with all federal, state, and local laws respecting non- discrimination in employment.

C.     Amendment or Cancellation of RFP. The Department reserves the right to amend or cancel this RFP at any time. Proposers should check the Department website at Requests for Proposals | NH Department of Energy for any addenda to this RFP before submitting their proposals, and for answers to questions other prospective proposers may have submitted, if any.

D.     Vendor Registration Requirements. Recipients of funds will be required to submit their Taxpayer Identification Number (TIN), Employer Identification Number (EIN), or Social Security Number (SSN), and to register as a vendor with the State of New Hampshire.

E.     Grant Agreement General Provisions. The terms and conditions set forth in the State's "General Provisions" of the G-1 grant agreement, attached hereto as Attachment C, will apply to the grant award and funding agreement that the Department will enter into with grant recipients. In addition, each agreement will be supplemented by three exhibits: Exhibit A will include any special provisions, including any modifications to the General Provisions regarding insurance coverage and other matters; Exhibit B will set forth the scope of services and reporting requirements in detail; and Exhibit C will set forth the amount of the grant, any required milestones, preconditions to reimbursement, the amount of grant holdback or retainage, and the documentation requirements for, and conditions of, grant payments.

F.     Project Changes. Once a grant agreement becomes effective, any subsequent material changes or modifications to the project or agreement terms, including, but not limited to, changes in project site plan, design, equipment, or other major components, overall project budget, key project personnel, LMI customer participation, project funding or financing model, project administration, management, or communications, or proposed technical details, must be submitted for review and evaluation by the Department. Amendments to the Grant Agreement are subject to approval by the Department and the Governor and Executive Council.

G.     Nature of RFP. This RFP is not an offer. Neither the Department nor this RFP shall create any commitment on the part of the State or confer any rights on the part of the proposer unless and until a written grant award agreement is executed between the Department and the proposer, and approved by the Governor and Executive Council.

H.     Reporting, Inspection, and Audit. There will be reporting and inspection requirements for the projects that are awarded grants under this solicitation. These may include, but are not limited to, development and construction progress reports and the reporting of expenditures, annual energy production for up to ten years after the project becomes operational, numbers of LMI and non-LMI participants, and accounting for net direct benefits provided to participating

LMI customers. Pursuant to Puc 2508.04, any recipient of any monies disbursed from the REF shall make its books, records, and facilities available to the Department for the purpose of allowing the Department to discharge its audit responsibilities pursuant to RSA 362-F:10, I.

I. Property of the State. All materials and data submitted or received in response to this RFP will become the property of the State and will not be returned to the proposer. Upon grant award and agreement, the State reserves the right to use any information presented in any proposal, provided that its use does not violate any copyrights, or other provisions of law, including RSA 91-A.

J. Reimbursement of Project Costs. Payment to grantees under this program is on a cost-reimbursable basis, unless approved otherwise. Costs incurred prior to final grant agreement approval by the Governor and Executive Council are not eligible for reimbursement. Reimbursement may be contingent on the occurrence of specified milestone events and the satisfaction of other conditions as set forth in the approved grant agreement. In accordance with the terms of the grant, a grantee is required to submit requests for reimbursement together with supporting documentation of the paid expenditures. The Department will withhold payment of a percentage of any grant award until final completion and interconnection of the project.

K. Ethical Requirements. From the time this RFP is published until a grant is awarded, no proposer shall offer or give, directly or indirectly, any gift, expense reimbursement, or honorarium, as defined by RSA 15-B, to any elected official, public official, public employee, constitutional official, or family member of any such official or employee who will or has selected, evaluated, or awarded an RFP, or similar submission. RSA 21-G:38. Any proposer that violates RSA 21-G:38 shall be subject to prosecution for an offense under RSA 640:2. Any proposer, or member of proposer's board or senior management, who has been convicted of an offense based on conduct in violation of this section, which has not been annulled, or who is subject to a pending criminal charge for such an offense, shall be disqualified from bidding on the RFP, or similar request for submission, and every such proposer shall be disqualified from bidding on any RFP or similar request for submission issued by any state agency. A proposer that was disqualified under this section because of a pending criminal charge which is subsequently dismissed, results in an acquittal, or is annulled, may notify the Department of Administrative Services, which shall note that information on the list maintained on the State's internal intranet system, except that, in the case of annulment, the information shall be deleted from the list.

L. Challenges on Form or Process of the RFP. Any challenge regarding the validity or legality of the form and procedures of this RFP, including, but not limited to, the evaluation and scoring of proposals, shall be brought to the attention of the Department at least 10 business days prior to the deadline for submission of proposals, by sending written notice to the RFP point of contact, Ms. Susan Gagne, the Program Specialist III. By submitting a proposal, the proposer is deemed to have waived any challenges to the Department's authority to conduct this procurement and the form and procedures of this RFP.

#### **Attachment A. PROJECT SUMMARY SHEET**

Please fill in the Project Summary Sheet and insert directly following the letter of transmittal in the final proposal submission.

Project Summary Sheet	
Project Name	
Project Team ( <i>entities, contacts, roles</i> )	
Proposer Name ( <i>name of entity to contract with the Department to receive funds</i> )	
Contact Information for person authorized to enter into binding grant agreement	
Project Location	
Summary of Project Model	
Description of net direct benefits provided to low-income participants, including annual quantified value of net direct benefits	



<b>Description of net direct benefits provided to non-low-income participants, including annual quantified value of net direct benefits</b>	
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Participants receiving direct benefits	Total participants:	# of low-income:	# of non-low-income:
Capacity and Anticipated Annual Energy Production	kW DC and kW AC	(Modeled kWh/year)	
Total Project Cost (\$)			
Total Funding Requested under the RFP (\$)			
Total Costs to Low-Income Participants, including joining & subscription fees, other payment commitment			
Eligible for LMI Adder?			
Project has a SB 270 designation? Does this project anticipate applying for a SB 270 designation?			
Anticipated Project Completion Date			