



Request for Proposals
for a
Proposition 39 Solar Photovoltaic Project

RFP # 19-04

3/25/2019

San Rafael City Schools
310 Nova Albion Way, San Rafael, CA 94903

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Definition of Terms

ACH	Automated Clearing House
ACSE	American Society of Civil Engineers
ADA	Americans with Disabilities Act
AHJ	Authority Having Jurisdiction
AISC	American Institute of Steel Construction
ANSI	American National Standards Institute
API	Application Program Interface
ASTM	American Society for Testing and Materials
AWS	American Welding Society
BESS	Battery Energy Storage System
CAD	Computer Aided Design
CAL-OSHA	Occupational Safety and Health Administration
CBC	California Building Code
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CPUC	California Public Utilities Commission
CGS	California Geological Survey
CREBs	Clean Renewable Energy Bonds
Contract	The Power Purchase Agreement (including all attachments and exhibits) between the District and successful Proposer for the Project.
DAS	Data Acquisition System
DIR	Department of Industrial Relations
DSA	California Division of State Architect
EPA	Environmental Protection Agency
EPC	Engineering, Procurement, and Construction
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
FMV	Fair Market Value
Firm	An individual proprietorship, partnership, limited liability company, corporation or joint venture that is part of a team responding to this RFP.
GPR	Ground Penetrating Radar
ICC	International Code Council
IEC	International Electrotechnical Commission
IEEE	Institute of Electrical and Electronics Engineers
IESNA	Illuminating Engineering Society of North America
IFC	Issue for Construction
IOR	DSA Inspector of Record (Project Inspector)
IOU	Investor Owned Utility (California: PG&E, SCE or SDG&E)
LESLI List	State of California Department of Insurance List of Eligible Surplus Lines
Local Utility	San Diego Gas & Electric (SDG&E)
NEC	National Electric Code
NEM	Net Energy Metering
NEMA	Net Energy Metering Aggregation or National Electrical Manufacturers Association

Definition of Terms

NFPA	National Fire Protection Association
NRTL	Nationally Recognized Testing Laboratory
NTP	Notice to Proceed
O&M	Operations and Maintenance
OCPD	Over-Current Protection Devices
Operator	Entity responsible for system operation and management and the financial capability
OTC	Over the counter design review with DSA
PEGU	Performance Guarantee
Premises	Location of the System(s)
Project	The solar photovoltaic (PV) systems, related equipment, structures, and contractual obligations, as described in Attachment A and Attachment C, and as may be otherwise agreed to by the District and the successful Proposer of the Contract.
Project Term	The duration of the relevant Contract between the successful Proposer and District
Proposer	An individual proprietorship, partnership, Limited Liability Company, corporation or joint venture that is responding to this RFP. Proposer may also be referred to as “Firm”, “Vendor” and “Contractor” in the RFP and attachments.
PTO	Permission to Operate - Notification from the Local Utility to which the Project is interconnected that the Project may be operated and connected with the Local Utility grid.
REC	Renewable Energy Certificate. Renewable Energy Credit, one REC is equivalent to 1 MWh of energy produced from a renewable energy source.
Seller	Successful Proposer that will own and operate the System
SWPPP	Storm Water Pollution Prevention Plan
TOU	Time of Use
WREGIS	Western Electricity Coordinating Council
<u>Completion Definitions</u>	
COD	Commercial Operation Date. The date, specific for each PV system, when the system is commissioned and receives PTO from the Local Utility. For the Contract, COD includes formal acceptance by the District to begin the terms of the Contract, including the PeGu.
Final Completion	The date at which Project completion has been achieved and a Notice of Completion filed. Final Completion requires that COD has occurred, all punch lists have been completed to the satisfaction of the inspector(s) and District representatives, all documentation has been delivered to the District, all other Contract items have been completed, delivered and accepted by the District Board, and final AHJ approvals are obtained (i.e. the Project is certified and closed out with all AHJs).

1. REQUEST FOR PROPOSALS OVERVIEW

1.1. LIMITATIONS

This RFP is neither a formal request for bids, nor an offer by the District to contract with any party responding to this RFP. The District makes no representation that participation in the RFP process will lead to an award of contract or any consideration whatsoever. The District shall in no event be responsible for the cost of preparing any proposal in response to this RFP.

The District, in its sole discretion, reserves the right to:

- Accept or reject any and all submittals, or any portion or combination thereof;
- Choose any combination of proposals;
- Interview any, all, or none of the respondents;
- Negotiate with one or more respondents for one or more of the work items;
- Contract with any entity responding to this RFP in whatever manner the District decides;
- Seek proposals from, or to contract with any firm not participating in this process;
- Extend the deadline to submit a proposal;
- Amend or cancel in part or in its entirety this RFP;
- Abandon the RFP entirely;
- Make a selection on the basis of the total submittal;
- Waive any informality or non-substantive irregularity, not affected by law, as the interests of the District may require; and/or
- Evaluate each submittal, and award a contract, if any, which best serves the interests of the District at a reasonable cost to the District.

The awarding of any contract pursuant to this RFP, if at all, is at the sole discretion of the District. The award of any contract to a firm is subject to approval by the Governing Board of the District (Board).

The energy consulting services firm that conducted the energy audit in furtherance and support of the District's EEP application shall not be eligible to submit proposals or participate in future energy contracts with the District that involve the provision of equipment, development of capital improvements, or provision of energy-related services which may arise from the EEP; except for provision of continued consulting services related to management of the EEP.

1.2. SCHEDULE

Table 1-1: Project Milestone Schedule

Event	Time	Date
RFP Published		March 25, 2019
Pre-Proposal Conference & Site Walk Registration	5:00 pm PDT	March 27, 2019
Mandatory Pre-Proposal Conference & Site Walk Location: <u>Glenwood Elementary School,</u> <u>25 W Castlewood Dr, San Rafael, CA 949013</u>	11:30 am PDT	March 28, 2019
Questions from Proposers Due	5:00 pm PDT	April 3, 2019
Response to Questions & Amendments Published		April 5, 2019
Proposals Due	4:00 pm PDT	April 18, 2019
Potential Interview of Top Ranked Firms		April 18, 2019
Notification to Top Ranked Firm		April 26, 2019
Contract Finalized		May 24, 2019
District Board Mtg. for Contract Approval, NTP for Design		June 10, 2019
Construction Begins		November, 2019
Commercial Operation		January, 2020
Final Completion (no later than)		June 15, 2020

These dates are provided for Proposer’s convenience and, while the District does not anticipate changing the dates at this time, this schedule may be revised at the sole discretion of the District.

As shown in Table 1-1, the District is targeting Final Completion by June 2020. The Project is being funded through Proposition 39 funds, and all funds must be spent no later than June 30, 2020. Proposers should submit a realistic critical path schedule with their proposal that seeks to meet the Project Milestone Schedule. The District will work with the selected Proposer to establish an acceptable schedule for both parties.

1.3. OVERVIEW & BACKGROUND

San Rafael City Schools (“District”) is issuing this Request for Proposals (“RFP”) pursuant to California Government Code section 4217.10 et seq. to contract with one firm to finance, design, permit, build, and commission multiple canopy structures with net-metered solar photovoltaic (“PV”) systems located on two District-owned sites (“Project”). The District is requesting cost proposals for “cash” purchase such that the District finance and own the systems using Proposition 39 grant funds.

The District reserves the right to select one or multiple sites or not build a project based on the pricing received. See Attachment A for complete details on scope, criteria, submittals and specifications, Attachment B for Proposal Forms, and Attachment C for Contract Terms.

The Project includes two sites, each with a single meter for PV development with a preliminary combined total nominal capacity (nameplate rating) of approximately 186 kW DC for all sites. Respondents to this RFP shall be responsible for determining the appropriate system size with their proposed design to meet the production targets at each site and maintain TOU grandfathering, as outlined in this RFP. Table 1-2 provides the project summary.

This is a RFP only and should not be interpreted as a solicitation for services. Submittals should be concise and responsive to the District's goals and formatted as outlined in this RFP. Innovative and creative solutions are encouraged to be included as additive alternate. All costs for proposals and preliminary design are entirely the responsibility of the proposing firm and shall not be charged to the District.

Table 1-2: Project Summary

Financing Type	District Purchase with Proposition 39 Grant Funding
Preliminary Nameplate Rating	186 kW DC
Number of District Sites	2 Sites
Target Production, All Sites	298,000 kWh
Utility	PG&E, MCE
Commercial Operation Target	January 2020
Final Completion	June 15, 2020

Note: 1) The District filed preliminary interconnection applications with PG&E in 2017 to grandfather current TOU periods for the solar project sites. Preliminary Nameplate Ratings correspond to the total DC capacity filed in the interconnection applications.

The target dates for commercial operation are shown in Table 1-2 and will be negotiated with the highest ranked Proposer. Proposers should provide a detailed and realistic schedule with their response for completing the Project. However, the Final Completion date shall be in no event later than dates shown in Table 1-2 due to Proposition 39 funding requirements.

The District has established qualifying criteria for Proposers on this Project, including minimum criteria and experience with similar projects. The most qualified Proposals will be evaluated and ranked according to “Best Value” for the District, based upon several substantive variables, including but not limited to:

- Project cost

- PV system components
- PV system performance
- Lifetime energy cost savings
- Vendor experience, qualifications, financial stability, and references
- System design
- Schedule
- Maintenance program
- Exceptions to Contract Terms
- Overall thoroughness of Proposal and responsiveness to this RFP

Additionally, the District reserves the right to conduct independent investigation into each Proposer, including contacting other public agencies for whom the Proposer has performed work, in order to research the Proposer's quality of work, timeliness of performance, adherence to safety requirements, adherence to predetermined schedule, and maintenance of budget. The District may, in its sole discretion, factor the findings into its final selection of a Proposer.

The top ranked firms may be asked to interview with the District prior to final ranking of Proposals, which will be factored into final ranking. The top ranked Proposer will be offered the opportunity to negotiate a Contract with the District that includes terms and conditions outlined in the proposed terms as set forth in Attachment C, subject to further modification and revision by the District as necessary. If the top ranked Proposer is unable to successfully negotiate a Contract with the District, the District may enter into negotiations with the second highest ranked Proposer. The District intends to award the contract to a single firm, however, the District reserves the right to award the contract to more than one firm if this is deemed in the best interest of the District.

With this Project, the District intends to 1) reduce electrical energy costs, 2) reduce the carbon footprint of the District, and 3) add shade as an amenity on their campuses. The District will carefully assess the proposed capital cost of the Project, the operating costs of the Project, and the estimated savings generated by the Project.

This Project is a result of the District's commitment to sustainability by providing cost effective and reliable energy systems through a combination of energy conservation and diverse sources of energy generation that collectively help minimize the District's environmental footprint.

1.4. MINIMUM QUALIFICATIONS

The following criteria shall be applied by the District to determine whether Proposers meet minimum qualifications. District reserves the right to reject any Proposal which fails to meet any one of the below criteria:

- 1) Firm can meet the Project schedule outlined in the RFP and achieve Final Completion by the date indicated in Table 1-1 of the RFP.
- 2) Within the last five (5) years, Proposer has achieved COD for at least three (3) DSA approved, multi-site solar PV projects of 150 kW DC or larger utilizing DSA pre-check solar PV canopy structures.
- 3) Proposer has or will utilize installation contractor(s) with sufficient bonding capacity for this Project (see Attachment C).
- 4) Proposer or proposing team holds a California Class B and either a C-10 or C-46 license.

- 5) Proposer can meet and will utilize installation contractor(s) who can meet the insurance requirements set forth in the Attachment C.
- 6) Proposer and Installation Contractor(s) Worker's Compensation Experience Modification Rate (EMR) is 1.25 or less.
- 7) Proposer has been in business in California under the present company or business name and license number for a minimum of two years.
- 8) Proposer is eligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract pursuant to either Labor Code section 1771.1 or Labor Code section 1777.7.
- 9) Proposer has not been and will not utilize installation contractor(s) terminated for cause or defaulted on a project during the last ten (10) years.
- 10) Proposer has not had a professional or contractor's license revoked at any time in the last five (5) years and will not utilize installation contractor(s) who have had, a professional or contractor's license revoked at any time in the last five (5) years.
- 11) Proposer, or any of its owners, officers, or partners, has not been found liable in a civil suit, or convicted/found guilty in a criminal action within the last ten (10) years: (a) involving the awarding of a contract of a government construction project, (b) involving the bidding or performance of a government contract, or (c) involving fraud, theft or any other act of dishonesty, including but not limited to the California False Claims Act, or Federal False Claims Act.
- 12) Cal OSHA has not cited or assessed penalties against Proposer or Installation Contractor(s) for any "serious," "willful," or "repeat" violations of its safety or health regulations in the last five (5) years.
- 13) Proposer is or will utilize installation contractor(s) and subcontractors registered with the California Department of Industrial Relations (DIR) and holding a current DIR registration number from the time of contract award throughout the completion of installation.

1.5. PROJECT SITE INFORMATION

Table 1-3 lists District-owned sites that have been selected for this Project, including service details production targets for each site. At each site, a single service is targeted for inter-tie.

The attachments to the RFP provide historical electricity consumption data, 15-minute interval data, site information and constraints sufficient for qualified respondents to prepare thorough conceptual design and cost proposals. Site layouts and details can be found in Attachment A and detailed electrical consumption information can be found in Attachment D. Where available, the District has provided relevant geotechnical reports, as-built drawings, and/or site plans in Attachment D. Complete and/or accurate information may not be available for all sites.

The District's consultant filed interconnection agreement applications for both project sites prior to 12/31/2017 in order to achieve time of use (TOU) period grandfathering. Interconnection applications and related information are provided in Attachment D. The vendor selected for contract award is responsible for updating interconnection applications to represent as-built system layouts, where Attachment A provides guidance for allowable placements of PV systems.

Table 1-3: Site Details and Production Targets

No.	Site	Main Service Voltage	Bus Rating (Amps)	Utility Xfr (kVA)	PV Production Target ² (kWh, Year 1) ¹
1	Glenwood ES	120/208	800	150	130,000
2	San Pedro ES	120/208	1200	<350 ¹	168,000
Total					298,000

Notes:1) San Pedro is currently being modernized and the PG&E service is planned to be upgraded this summer. PG&E is still engineering the new service and indicated that the new transformer will likely be less than 350 kVA.

2) PV production targets are based on tariff modeling using conservative NEM 2.0 assumptions. Systems are sized to offset approximately 95% of the estimated future energy consumption at the site.

1.6. IMPORTANT REQUIREMENTS

Table 1-4 lists some of the key requirements included in this RFP and the attached documents that should be considered in preparing a response.

All Firms shall comply with the contracting requirements specified in Attachment C. In submitting a Proposal to the District, each Firm represents and agrees to be bound by the terms and conditions set forth in Attachment C, as may be applicable. Any significant deviations from the terms and conditions set forth in Attachment C must be identified in the proposal as “exceptions” in Attachment B. Exceptions or requested changes **must** be detailed with specificity. The District will not entertain exceptions or requested changes not sufficiently identified in a Proposer’s submission.

Table 1-4: Key Requirements

Item	RFP Attachment
Scope of Work	A1
General Criteria and Codes	A2
Submittals and Project Acceptance Requirements	A3
PV Drawings and Site Details	A4
Construction Specifications	A5
Proposal Forms	B1-6
Contracting Requirements	A1, C1-3
Bonding Requirements	C1-4
Insurance Requirements	C1-4
Permitting Requirements/Fees	A1-2, C1-4
O&M Requirements	A1, C1, C2
Performance Guarantee	A1, C1, C3
Warranties	A2, C1

1.7. DISTRIBUTION OF THIS DOCUMENT

This document and any attachments, appendices and addenda will be distributed electronically via a password protected website. Sage Renewables will provide access to this website to the designated contact of Firms interested in responding to the RFP. Sage Renewables can be contacted at rfp@sagerenew.com or (415) 663-9914 with questions regarding document distribution.

1.8. DISTRICT / CONTRACT ADMINISTRATOR

The Contract Administrator for this RFP and the resulting Contract(s) is the Senior Director of Capital Improvements. Sage Renewables serves as a representative of the Contract Administrator and is managing the RFP process for the District. The Contract Administrator, Sage, and the District's legal counsel are the only individuals authorized on the behalf of the District to make any modifications via addenda or otherwise to this RFP and the resulting Contract, if any.

The Proposer shall not rely upon any oral change from anyone, or a written request for change from someone other than the Contract Administrators. All changes/addenda must be in writing, issued by the Contract Administrator, Sage, or District legal counsel and distributed on the electronic file sharing website. Any and all addenda issued by the Contract Administrator, Sage, or District legal counsel shall be incorporated into this RFP and are a part herein as if originally set forth in this RFP.

1.9. CAVEATS AND RESPONSIBILITIES

Proposer(s) should not rely upon the District's as-built drawings, structural, or geotechnical reports. It shall be the sole responsibility of all Proposers to independently verify as-built drawings, perform geotechnical investigations as needed, and complete site due diligence prior to design and construction. In submitting its Proposal, the successful Proposer warrants and accepts that the District shall not be liable for any misrepresentations or inaccuracies set forth in the District's as-built drawings, geotechnical studies or other informational documents provided with this RFP.

The District is providing, and will provide, all relevant information actually known to the District in good faith without any known defects in the information. However, the District cannot and will not warranty the completeness or accuracy of information provided, for which the Proposer will be required to take appropriate measures, subject to legal limitations and the evaluation of each Proposal's Best Value.

The District will conduct the Project pursuant to the California Environmental Quality Act (CEQA) and prepare all necessary documentation once the final scope of the Project has been determined. The District will act as the lead agency in the preparation of the CEQA documentation. Selected Proposer(s) may provide supporting information regarding the proposed design to the District in support of the CEQA process and will adhere to any mitigation requirements identified in the CEQA documents.

2. PROPOSAL PROCESS

2.1. MANDATORY SITE WALK

A mandatory pre-proposal conference and site walk will be held on the date and time at the location indicated in Table 1-1. Interested firms must pre-register by the date and time indicated in Table 1-1 by emailing the firm's attendee list to: rfp@sagerenew.com, with the subject, "San Rafael City Schools Site

Walk Registration.” A maximum of three people per firm may attend. All attendees must arrive on time for the site walk and are responsible for transport during the RFP site visits. Personal vehicles may be used for the site visits and all sites must be visited to meet the requirements of the mandatory site visit.

2.2. QUESTIONS RELATING TO RFP PROCESS

All questions pertaining to this RFP must be submitted via email to rfp@sagerenew.com with the subject line, “San Rafael City Schools Solar PV Project RFP Questions.” All questions must be received by the date and time specified in Table 1-1. Questions sent directly to District Staff or after the deadline will not be answered. No oral questions will receive any response, other than as made at and in the presence of all attendees at the mandatory pre-proposal conference and site walk, as reflected in writing in any Addenda to the RFP.

2.3. OPERATIONS & MAINTENANCE AND PERFORMANCE GUARANTEE

All Proposals must be inclusive of costs for comprehensive operations and maintenance (O&M) services and Performance Guarantee (PeGu). PeGu shall be provided as part of any O&M agreement and for the same term. Details on the O&M and PeGu requirements can be found in Attachment C.

2.4. SUBMISSION OF PROPOSAL PACKAGES

Proposal packages shall be submitted electronically and must contain both a complete electronic version of the Submittal Format outlined in Table 2-1, above, plus one signed cover letter, one signed Form B1 Signature Page, and one signed Form B2 Signature Page, found on the “Overview and Signature” tab of the Form B2 Excel file. Proposal documents must be received electronically no later than the date and time specified in Table 1-1. Proposers must notify Sage Renewables that they plan on submitting Proposals no later than twenty-four (24) hours before Proposals are due. Sage will provide further instructions on uploading Proposal documents to the password secured electronic file sharing website.

To ensure fairness, responses received after the deadline will not be accepted or reviewed. The Proposer is responsible for ensuring that all responses are received by the deadline. All responses to the RFP will become the property of the District and will not be returned. The District will not reimburse Proposers for any of the costs associated with the preparation and submission of Proposals.

Proposers shall provide only complete and accurate information. Proposers acknowledge that the District is relying on the truth and accuracy of the representations contained in each Proposal. Each Proposal must be signed under penalty of perjury in the manner designated at the end of the form, by an individual who has the legal authority to bind the Proposer on whose behalf that person is signing. If any information provided by a Proposer becomes inaccurate, the Proposer must immediately notify the District upon discovery of the inaccuracy and provide updated accurate information in writing, under penalty of perjury. Should a Proposer omit requested information or falsify information, the District may reject the Proposal. Should a Proposer omit requested information or falsify information, the District may reject the Proposal. Accepting an award based on false or misleading information may expose the Proposer to various legal liabilities.

Table 2-1: Proposal Submittal Format

Submittal Item/Format	Document	Description
1. A Single PDF File	Cover Letter	Introduction/Cover Letter with full business address and contact details of the Proposer, signed by an individual with authority to bind Firm.
	Form B1	Qualifications & Proposal Form with all questions addressed and signed and dated proposal certification.
	Form B1 Attachments	Minimum Attachments shall include: <ul style="list-style-type: none"> - Class B License & any other Licenses - Evidence of Bonding Ability - Evidence that Insurance Requirements can be met - A Detailed Schedule - Screen Shots of Monitoring Software - Example of Performance Reporting - Example of Monthly Billing - Proposed Warranty
	Form B2	Cost Proposal, PDF Format
	Form B3	Exceptions to the RFP
	Form B4.1	Worker’s Comp Certificate (Evidence of capacity to Provide)
	Form B4.2	Non-Collusion Declaration
	Form B5	Response Completion Checklist
2. A Single PDF File	Form B1, Attachment Item Q3	Financial Performance - Reviewed/Audited financial statements submitted separately and marked Proprietary – Not for Public Disclosure for private Firms.
3. MS Excel File	Form B2	Cost Proposal, MS Excel format. A PDF of this file should be included in the main proposal. The Excel file should exactly match the PDF document.

2.5. PROPOSAL EVALUATION

The District reserves the right to accept or reject any or all RFP submissions/Proposals, to select a qualified Proposer with or without interview and to negotiation with any or more than one of the responsible Proposers. The District reserves the right to waive informalities or irregularities in received submissions/Proposals. Proposers shall be responsible for any and all expenses they may incur in preparing their submission/Proposal. Responses received from this RFP will be used in finalizing agreement(s) for the Project(s), which are subject to review, negotiation, and approval of the Board.

The District will first evaluate the qualification section of each Proposal. The qualification section appears at the beginning of Form B1. The qualification criteria include a set of minimum qualifications as well as information regarding experience, team and financials. Proposers should ensure they meet the minimum qualifications outlined in Section 1.3 of this document and Form B1 before preparing a proposal.

The District will then, at its sole discretion, evaluate some or all of the qualified Proposals. Ranking of Proposals will consider, but not be limited to, the list of items provided in Section 1.2.

All Proposals will be evaluated by an Evaluation Committee designated by the District. The Evaluation Committee, upon completion of evaluating the Proposals, may elect to hold interviews with the firms with the top ranked proposals or may solely rely on proposals to make its evaluation. The Evaluation Committee will determine the highest ranked Proposer as the basis of any recommendation to the District Board that a Contract be negotiated with a Proposer.

The District reserves the right to investigate the qualifications of all Proposers under consideration and to confirm any part of the information furnished by a Proposer, or to require other evidence of managerial, financial or technical capabilities which are considered necessary for the successful performance of the work.

During the course of the Proposal evaluation, the District may request clarification of, or information about, any item in the Proposal. The Proposer shall respond within the time requested. If the clarification or information is not forthcoming, the District may, at its sole discretion, disqualify a Proposal if it determines that evaluation of the Proposal cannot proceed in the absence of clarification. However, the District, in its sole discretion, may review and evaluate Proposals and award a Contract based solely on the materials contained in the Proposal. The District may elect to hold interviews with the Proposers with the highest ranked Proposals or may solely rely on Proposals to make its selection.

The District reserves the right to waive minor irregularities and omissions in the information contained in the Proposal submitted and to make all final determinations. There is no appeal from the District's decision not to review a Proposal due to an incomplete or late Proposal submission.

The Proposal, its completion and submission by the Proposer, and its use by the District, shall not give rise to any liability on the part of the District to the Proposer or any third party or person. This is not a solicitation for bid. No guarantees are made or implied that the Project will be constructed, either in part or whole. The Proposer accepts all risk and cost associated with the completion of the Proposal without financial guarantee. Any attempts by Proposers to lobby or influence the District decision, in any form, are strictly prohibited. During the course of the Proposal submission and evaluation periods, there shall be no contact with the District Board of Trustees or District office staff regarding this project or RFP. Failure to comply with these requirements will result in the disqualification of the Proposer.

2.6. AWARD PROCESS

The District intends to award a Contract to the qualified Proposer whose offer substantially conforms to the RFP, whose Proposal outlines a Project which will provide the best value to the District, best meets the District's needs and is most likely to assist the District in achieving its objectives, which the District shall determine in its sole discretion. In the event that the successful Proposer is unable and/or unwilling to execute the Contract as negotiated by the District, the District, in its sole discretion, may begin negotiations with the next highest ranked Proposer.

The District reserves the right, at its sole discretion, to accept a response that does not satisfy all requirements but which, in the District's sole judgment, sufficiently demonstrates the ability to produce, deliver, design, permit and install the Project and to satisfy the substantive requirements set forth in this RFP. The District expects to complete its evaluation process to select a qualified Proposer, but reserves the right to change key dates and action as the need arises. Only the District Board possesses the authority to award the Energy Services Agreement, in its sole discretion, and any recommendation by District staff for contract award shall not be binding on the District.

The District intends to award the Project to one Proposer, however, the District retains the right to award one or more separate Contracts to one or more Proposers, or to not award a Contract, in the District's sole discretion.

2.7. PUBLIC RECORD

All Proposals become property of the District. All Proposals, including the entirety of the accepted Proposal and any subsequent contract approved by the Board of Trustees become public records per the requirements of the California Government Code, Sections 6250-6270, "California Public Records Act". Proprietary material must be clearly marked as such and comport with criteria of California Government Code section 6254.7 regarding trade secrets. For the purposes of this RFP, pricing and service elements of the successful Proposal are not considered proprietary information.

Pursuant to *Michaelis, Montanari, & Johnson v. Superior Court* (2006) 38 Cal. 4th 1065, RFP submissions shall be held confidential by the District and shall not be subject to disclosure under the California Public Records Act until after either: (1) the District and the successful Respondent(s) have completed negotiations and entered into Agreement(s), or (2) the District has rejected all Proposals. To the extent permitted by California law, the District may exempt from disclosure for materials deemed Trade Secrets as described, above.

The District will treat all information submitted in a Proposal as available for public inspection once the District has a contract finalized with the selected contractor. If Firm believes that Firm has a legally justifiable basis under the California Public Records Act for protecting the confidentiality of any information contained within Firm's Proposal, Firm must identify any such information, together with the legal basis of Firm's claim in Firm's Proposal. A Firm that indiscriminately identifies all or most of its Proposal as exempt from disclosure without justification may be deemed non-responsive. Proposers, by submittal of a Proposal, agree and acknowledge that the District has sole discretion to determine application of the California Public Records Act to each Proposal and each document contained therein.

Attachment A

Project Details and Requirements

(Available for download in Attachment A Folder)

- A1: Scope of Work
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- A5: Construction Specifications
 - A5.1 General Electrical
 - A5.2 Solar PV Electrical
 - A5.3 Structural PV Shade Canopy
 - A5.4 Irrigation
 - A5.5 Landscape
 - A5.6 Wind
 - A5.7 Seismic
 - A5.8 UG Ducts & Raceways
 - A5.9 Excavating, Filling, Compacting, Grading
 - A5.10 Asphalt Paving
 - A5.11 Concrete Paving
 - A5.12 Concrete Paving Joints Sealants

Attachment B

Proposal Forms

(Available for download in Attachment B Folder)

- B1: Proposal Response Form
- B2: Cost Proposal
- B3: Exceptions to the RFP
- B4: Additional Forms
 - B4.1 Workman's Comp
 - B4.2 Non-Collusion Declaration
- B5: Response Checklist
- B6: Addenda Receipt Certificate

Attachment C

Contract Terms

(Available for download in Attachment C Folder)

- C1: Agreement for Design-Build Services
- C2: Operations and Maintenance Agreement
- C3: Performance Guarantee Agreement

Attachment D

Additional Information

(Available for download in Attachment D Folder)

- D1: 2019-2020 School Calendar
- D2: Energy Consumption Data
- D3: Interconnection Applications
- D4: Available Geotechnical Information
- D5: As-Built and/or Plan Drawings