

State of New Hampshire Department of Energy



**Energy Efficiency and Conservation Block Grant
Municipal Solar Grant Program**

CFDA

FAIN: SE-0000204

REQUEST FOR PROPOSALS (RFP)

RFP #2024-XXX

Release Date: (Month) (Date), 2024

Proposal Due: 12:00 p.m. EST on (Month) (Date), 2024

Executive Summary

With funding made available through the [Energy Efficiency and Conservation Block Grant \(EECBG\) Program](#), the New Hampshire Department of Energy (NHDOE) issues this Request for Proposals (RFP) seeking proposals for municipally-owned solar projects at or below 60 kW in size that provide direct benefits to that municipality. Proposals must present a comprehensive project overview along with expected kWh and CO2 reductions. Projects must be located within the boundaries of the municipality proposing the project. Proposals that seek funding for projects already in development or in construction shall not be eligible.

Total funding available under this RFP will be **\$400,000**. Proposals may be eligible for a Tier 1 or Tier 2 grant. A Tier 1 grant shall cover 95% of total project costs if the proposer is considered disadvantaged under the Disadvantaged Municipality scoring criteria in Section III, Part B and if the proposer retains full ownership of their project. A Tier 2 grant shall cover 60% of total project costs if the proposer is not considered disadvantaged under the Disadvantaged Municipality scoring criteria in Section III, Part B or if the proposer does not retain full ownership of their project.

Electronic proposals must be received by the NHDOE no later than 12:00 p.m. EST on **(Month) (Date)**, 2024. If the NHDOE decides to award a contract as a result of this RFP process, any award is contingent upon approval of the contract by the Governor and Executive Council of the State of New Hampshire. Projects must be completed no later than 24 months after grant agreement approval by the Governor and Executive Council of the State of New Hampshire.

Pertinent Dates and Information

1. Schedule of Events

| EVENT | DATE/DEADLINE | TIME |
|-------------------------------|-----------------------------|----------|
| RFP Issued | (Month) (Date), 2024 | |
| Close of Question Period | (Month) (Date), 2024 | 12:00 PM |
| Responses to Questions Posted | (Month) (Date), 2024 | 12:00 PM |
| Proposal Due Date and Time | (Month) (Date), 2024 | 12:00 PM |
| Anticipated Grant State Date | September 2024 | |

2. Written Inquiries

All inquiries concerning this RFP must be submitted by e-mail to the following RFP Point of Contact:

Susan Gagne, Program Specialist III
New Hampshire Department of Energy
21 S. Fruit Street, Suite 10
Concord, NH 03301-2429
RFP@Energy.NH.Gov

Inquiries must be received by e-mail no later than Close of Question Period as specified in the Schedule of Events above. **No phone calls.** The subject of the e-mail should state the following: **RFP #2024-XXX, Municipal Solar Grant Program Question Period.** It is highly recommended that prospective proposers review the RFP as soon as possible and submit any questions promptly. Please note that responses to questions are carefully considered and may require several days. Responses to questions will be posted as received before the Close of Question Period as noted above. Responses to questions can be found here: <https://www.energy.nh.gov/rules-and-regulatory/requests-proposals>.

3. Proposal Submission Instructions

Proposals submitted in response to this RFP must be received no later than the Proposal Date and Time as specified in the Schedule of Events, herein. Late submissions will not be accepted, nor will extensions be given. Faxed or physical proposals will not be accepted. Delivery of the proposal shall be at the proposer's responsibility. The NHDOE accepts no responsibility for damaged, mislabeled, or undeliverable mailed or emailed proposals. Proposals must be typed and include 12-point font size with 1-inch page margins. Page numbers should be included.

Proposals must be submitted electronically in PDF format and must be searchable. Proposals must be submitted electronically to: RFP@Energy.NH.Gov. In no event should a proposal be provided through a link embedded in the submitted e-mail. The file will be considered received when it is successfully submitted to the mailbox associated with the e-mail address above. The proposal will be considered received based on the timestamp in the receiver's email. The NHDOE can accept electronic files no larger than 25 MB.

The subject of the email should state the following: **RFP #2024-XXX, Municipal Solar Grant Program Proposal – (name of municipality).**

To guard against proposals being overlooked due to being quarantined by the NHDOE's spam protection software, it is strongly recommended that an e-mail with no attachment be sent to RFP@Energy.NH.Gov initially stating the e-mail(s) containing a proposal are to follow. The subject of the e-mail should state the following: **RFP #2024-XXX Municipal Solar Grant Program Intention to File – (name of municipality).**

The NHDOE shall assess completeness and responsiveness of the proposal to eliminate nonconforming proposals. The NHDOE 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. Any response that is filed shall be valid for not fewer than 150 days following the deadline for submission of proposals, or until the effective date of any resulting contract, whichever is later.

4. Restriction on Contact with State Employees:

From the date of the release of this RFP until awards are made and announced regarding the selection, all communications with personnel employed by or under contract with the State regarding this RFP are forbidden, unless first approved by the Point of Contact, Susan Gagne, Program Specialist III, or as otherwise outlined in [Section V](#) below. NHDOE employees have been, and Evaluation Team members will be, directed not to hold conferences and/or discussions concerning this RFP with any potential proposer or contractor during the selection process, unless otherwise authorized by the RFP Point of Contact, or as otherwise outlined in [Section V](#) below.

I. OVERVIEW

A. Background and Purpose

The passage of the [Infrastructure Investment and Jobs Act](#) (IIJA) resulted in a \$550 million appropriation into the [EECBG Program](#). The EECBG Program assists eligible states, units of local government, and Indian tribes in implementing strategies to:

- Reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximizes benefits for local and regional communities;
- Reduce the total energy use of eligible entities;
- Improve energy efficiency in the transportation sector, the building sector, and other appropriate sectors; and
- Build a clean and equitable energy economy that prioritizes disadvantaged communities and promotes equity and inclusion in workforce opportunities and deployment activities, consistent with the [Justice40 Initiative](#).

The State of New Hampshire, through the NHDOE, is responsible for managing the State's EECBG Program formula grant of \$1.6 million dollars. With input from the public and interested stakeholders, the NHDOE has developed the Municipal Solar Grant Program to subgrant New Hampshire's EECBG Program dollars to units of local government to advance the development and construction of solar photovoltaic projects that will reduce a municipality's energy costs and carbon emissions. Funded projects will also help reduce a municipality's energy costs to provide a financial benefit to municipal budgets and local property taxpayers. This program will continue until New Hampshire's EECBG Program dollars are fully expended.

In line with the Justice40 Initiative, the Municipal Solar Grant Program will prioritize disadvantaged communities that meet certain criteria and strongly incentivize full ownership of funded projects. Larger grants will be targeted toward disadvantaged communities who will have to comply with federal funding requirements and may not have the means to fully fund their proposed projects.

The total funding available under this RFP is [\\$400,000](#). All grant awards are contingent upon final grant agreement approval by the Governor and the Executive Council of the State of New Hampshire.

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, replacement, and other related matters.

C. Basic Project Eligibility Requirements

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

1. Proposers must be individual municipalities that propose new ground-mounted, parking canopy-mounted, or rooftop solar electricity/photovoltaic systems whose total installed capacity does not exceed 60 kW DC.
2. Proposers must confirm that the installation of the project is on a municipal building or is installed on a municipally-owned site and is connected to a municipal building behind the meter.
3. Proposers must be municipal governments that are ineligible for a direct formula grant from the EECBG Program. For the purposes of this RFP, the following municipal governments are ineligible for the Municipal Solar Grant Program and shall not be a part of any proposals: Concord, Derry, Dover, Hudson, Londonderry, Manchester, Merrimack, Nashua, Rochester, and Salem.
4. Proposers must provide proof of active registration in the Federal [System for Award Management \(SAM\) website](#) and have a Unique Entity Identifier (UEI) number (entities that are actively registered in SAM will automatically be given a UEI).
5. Proposers shall not be debarred from SAM and unable to work on projects funded with Federal funds.
6. Proposers must not use Municipal Solar Grant Program dollars to duplicate or supplant funding from another private or public funding source.
7. Proposers must not propose an expansion to any existing solar photovoltaic system or seek funding for solar photovoltaic projects that are currently under construction.
8. Projects must be operational no later than 24 months after grant agreement approval by the Governor and Executive Council of the State of New Hampshire.
9. Projects must be physically located in New Hampshire and within the geographic boundaries of the municipal government proposing a project. Any point of grid interconnection must also be in New Hampshire.

10. Grantees must commit to seeking Renewable Energy Certificate (REC) eligibility in New Hampshire for the project, including but not limited to submitting a complete application for REC eligibility to the NHDOE.
11. Proposers must adhere to all Federal funding requirements, including but not limited to [Davis-Bacon and Related Acts](#), [Build America](#), [Buy America](#), [the National Environmental Policy Act](#), and New Hampshire's [Historic Preservation Programmatic Agreement](#).

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 shall include the following information, and respond to all areas listed below, in the order listed.

A. Letter of Transmittal

Include the name of the proposer, contact information for, and signature of, the individual authorized to bind the proposer (or of the proposer), and identify the proposer's point of contact for this proposal. (1 page)

B. 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. The municipality's Core Data Index Score from the New Hampshire Community Development Finance Authority's [2023 Core Data Index Score](#).
3. 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. Please note: all project materials must be Build America, Buy America compliant. Please review Section V for more information.
4. Solar PV system schematic (including one-line drawing), with an attached copy of any relevant engineering or feasibility studies.
5. 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 Solar Site Survey.
6. Projected kilowatt-hours (kWh) to be generated (annual and lifetime) and the assumptions (e.g., capacity factor) used for the estimate.
7. Project timeline, including start date, key milestones in project progress (e.g., design, permitting, construction, start-up, commissioning), and expected interconnection date.
8. List of specific permits and approvals that will be required and the status of such specific permits and approvals.
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.
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, including names of all project owners and project site ownership. Describe any power purchase agreement (PPA), if applicable. Please attach a copy of any applicable PPA.
 12. Describe assignments and roles of individual key project personnel, listing the project developer, solar installation company, NH licensed electrician, and any other project personnel. Please note: [Davis-Bacon and Related Acts](#) will apply for construction-related activities for projects.
 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.
 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.

C. Project Model and Ownership

A narrative description comprehensively addressing how the solar PV project will be designed and managed, and the net benefits that will be provided directly to the municipality:

1. Describe estimated monthly or annual direct electric bill impacts (in kWh) to the municipality.
2. Provide a clear description of who will own the 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.
 - i. If the solar PV system is third party owned, describe plans for effective management and communications between third party owner and the municipality.
 - ii. Provide a statement verifying that the grantee will submit an application for the project to be certified as eligible for Renewable Energy Certificates (RECs) in New Hampshire.
 - iii. Define the party that owns the RECs and who will benefit from the sale of the RECs.
3. Metering Arrangements:
 - i. Will this project be serving a master-metered building or individual meters?
 - ii. Describe any group net metering arrangements, if applicable, including how solar PV benefits will be provided to any different municipal accounts.

- iii. Describe the utility's role in implementing the proposed project. All 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.
- iv. Identify the current or expected rate class of the interconnecting meter account holder(s).

D. Project Development Costs and Financing

1. Provide total project cost estimate, including itemized costs for equipment, labor, design, permitting, materials, balance of system costs, etc., and any specific quotations from vendors and contractors.
2. State the grant amount being requested from the NHDOE.
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, tax credits, etc., anticipated to be used by or for the project.
5. Describe use of federal investment tax credit (ITC) and/or any other tax incentives.
6. Describe any costs of initial and ongoing project administration.

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 of the solar developer and, if applicable, solar installation company, contractors, and subcontractors, such as electrician(s). List proposer's years of experience, specifically including municipal solar project experience (resumes should be limited to relevant experience).
2. Summaries of similar municipal solar 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).
3. Provide a copy of the municipality's recent financial audit that is conducted by an independent third-party.

F. Conflicts of Interest

1. An explicit statement of any potential conflicts of interest on the part of any members of the project team or its contractors and subcontractors. The

municipality and the contractors have a continuing obligation throughout the entire procurement process to update this information.

III. EVALUATION PROCEDURES AND SELECTION CRITERIA

A. Proposal Evaluation Procedure

Proposals will be reviewed and evaluated in a two-step review process, followed by a contracting phase. The evaluation will be based solely on the proposal. Therefore, insufficient or unclear information may result in a low score. The procedure for proposal evaluation and award selection will be as follows:

Step 1 – Proposal Screening: The NHDOE shall assess compliance with the submission requirements set forth in this RFP. The NHDOE shall assess completeness and responsiveness of proposals to eliminate non-conforming proposals; the NHDOE 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.

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 and all mandatory elements;
- Propose a project for ground-mounted, parking canopy-mounted, or rooftop solar photovoltaic systems whose total installed capacity is at or below 60 kW;
- Provide proof of active registration in the Federal System of Award Management (SAM) website and have a Unique Entity Identifier (UEI) number (entities that are actively registered in SAM will automatically be given a UEI);
- Provide a copy of the municipality's most recent financial audit performed by an independent third-party;
- 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;
- 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; and
- Including a Certificate of Vote/Authority to bind the proposer to a contract with the State.

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

Step 2 –Evaluation: An Evaluation Team consisting of New Hampshire state agency staff and possibly other outside parties shall evaluate and score conforming proposals and information submitted by each proposer based upon the scoring criteria established in this RFP, which can be found below.

If numerous acceptable and potentially acceptable proposals have been submitted, the Evaluation Team will rank the proposals and create a “ranked list” based on the Scoring Weight and Criteria.

If determined to be appropriate by the Evaluation Team, proposers may be invited to interviews. The Evaluation Team retains the sole discretion to determine whether to conduct interviews, with which proposers, and the number of interviews. Proposers are advised that interviews may be conducted with fewer than all proposers. Interviews may be conducted in person or via remote access.

The purpose of the interviews is to clarify and expound upon information provided in a proposer’s proposal. Proposers are prohibited from altering the basic substance of their proposal or submitting new information. The Evaluation Team and NHDOE staff may ask the proposer to provide written clarifications of elements in the proposal, regardless of whether the Evaluation Team intends to conduct oral interviews. Information gained from interviews or written clarifications will be used to refine scores assigned during the evaluation process.

Step 3 – Contract Negotiation and Execution: A letter of intent will be sent to the selected proposers’ authorized submitter. The NHDOE shall negotiate, if necessary, and develop grant agreements and related contract documents with selected proposers.

Step 4 – Contract Approval: The NHDOE shall submit completed grant agreements to the Governor and Executive Council of the State of New Hampshire for approval. After Governor and Executive Council approval, work can begin on the proposed project. The proposed project must be completed within 24 months following Governor and Executive Council approval.

Notwithstanding any other provision of this RFP, this RFP does not commit the NHDOE to make an award. The NHDOE 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 to solicit new proposals under a new acquisition process. If, for any reason, negotiations with the top scorer(s) do not result in a contact(s), despite reasonable efforts made in good faith, the NHDOE may go to the next highest scorer(s) and seek to negotiate with that proposer(s).

B. Scoring Criteria and Weight

The NHDOE will consider the following criteria and assign a corresponding point score. A maximum score for all criteria would be 100 points:

Quality and Clarity of Proposal (Maximum Point Score: 5)

The submitted proposal is concise, well-organized, and easy to understand. Proposals that are holistically unclear, disorganized, or have contradictory information may result in a low score in this criterion.

Disadvantaged Municipality (Maximum Point Score: 15)

The proposer outlines a project that will benefit a “disadvantaged” municipality. A proposer shall be considered “disadvantaged” if it has a [2023 Community Development Finance Authority Core Data Index Score](#) of 45 or higher. For the purposes of this RFP, proposers that have Core Data Index Scores below 45 are not considered “disadvantaged.”

Proposers considered “disadvantaged” qualify for a Tier 1 grant and shall receive full points in this scoring criteria. Proposers that do not satisfy the Disadvantaged Municipality scoring criteria will qualify for a Tier 2 grant and shall not receive any points in this category.

Technical Project Specifications (Maximum Point Score: 10)

Optimal Project Siting and Locational Benefits: The location of the proposer’s solar project is reasonable, as well as optimal to ensure insolation to the greatest extent possible. **(Maximum Point Score: 5 out of 5)**

Labor & Equipment Warranty and Inverter Replacement Plan: The proposer provides an in-depth explanation of their labor and equipment warranties for the project, as well as a detailed operation and maintenance plan, including inverter replacement, that the municipality intends to adopt following project completion. **(Maximum Point Score: 5 out of 5)**

Project Feasibility and Readiness (Maximum Point Score: 35)

All Necessary Permits Identified and Have Been Obtained or Applied For: The proposer outlines specific permits that will be required for the project’s completion and has either fully obtained the relevant permits or has provided an in-depth, detailed, and specific plan for receiving those permits. **(Maximum Point Score: 5 out of 5)**

Detailed Project Timeline: The proposer’s project timeline is detailed with specific milestones and is realistically achievable to have the project completed within 24 months following an approved grant agreement by the Governor and Executive Council of the State of New Hampshire. **(Maximum Point Score: 10 out of 10)**

Solar Site Survey Performed and Included: The proposer performed a solar site survey and included the survey with their proposal. **(Maximum Point Score: 2 out of 2)**

Letters of Community Support: The proposal includes letters of support for the proposer’s proposed project from their local governing body (i.e. selectboard or city council), at least one of their New Hampshire state representatives, and their New Hampshire state senator. The local governing body letter must be signed by a majority of all body members to be eligible for points. Proposers can find their state representative(s) and state senator at the NH General Court website here: <https://www.gencourt.state.nh.us/house/members/>.

Letters from all three parties will result in full points. Letters from two parties will result in two points. A letter from one party will result in one point. **(Maximum Point Score: 3 out of 3)**

Project Management Team Experience: The proposer’s project management team has significant experience in overseeing, constructing, and completing municipal solar projects. **(Maximum Point Score: 15 out of 15)**

Municipal Energy Cost Savings (Maximum Point Score: 5)

The proposal outlines significant cost savings to the municipality.

Project Development Costs and Financing (Maximum Point Score: 10)

The proposal provides a detailed summary of project development costs and financing. The summary includes any anticipated personnel costs, contractual costs, supply/equipment costs, permitting costs, and other relevant costs for the proposed project. The proposal also clearly identifies the source and financial value of other leveraged funds to complete the project.

Management of Federal Funds (Maximum Point Score: 20)

The proposal includes the municipality’s recent financial audit performed by an independent third-party. The audit demonstrates the municipality’s ability to handle local, state, and federal funding. The proposers also satisfies public disclosure requirements and compliance with reserved NHDOE/USDOE rights, etc. Negative financial audit findings or insufficient information that leads the NHDOE to question the proposer’s ability to meet the Municipal Solar Grant Program’s general requirements may result in a low score.

IV. GENERAL CONDITIONS

- A. Reservation of Rights:** The NHDOE reserves the right to: reject 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; to make funding decisions, including partial awards, solely as it deems to be in the best interests of the State; and to negotiate with any party in any manner deemed necessary to best serve the interests of the State. 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.

- B. Requests for Additional Information:** The NHDOE reserves the right to request additional information from any or all parties submitting proposals to assist in the evaluation process.
- C. Confidentiality of Proposals and Information Provided to Proposers:** Pursuant to RSA 21-G:37, VII, 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 NHDOE 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 NHDOE.
- D. Proposers' Costs:** By submitting a proposal, a proposer agrees in that in no event shall the NHDOE 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 the resulting grant agreement.
- E. Amendment, Extension, or Cancellation of RFP:** The NHDOE reserves the right to amend, extend or cancel this RFP at any time at its sole discretion. Any changes to this RFP will be made in writing and made available to the public on NHDOE's website. No oral modifications will be binding. Proposers should check the NHDOE 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 proposers may have submitted, if any.
- F. Public Disclosure:** Pursuant to RSA 21-G:37, VII, all responses to this RFP shall be considered confidential until the award of the contract. At the time of receipt of proposals, the NHDOE 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 New Hampshire Department of Administrative Services pursuant to this RFP, the NHDOE 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, at least five business days before final approval of the contract, the NHDOE shall disclose the name of each proposer and rank or score of each proposer eligible to be scored. All such postings may be viewed on the NHDOE's website at: <https://www.energy.nh.gov/rules-and-regulatory/requests-proposals>.

By submitting a proposal, the proposer acknowledges that the NHDOE 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 an 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: (<https://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 packet contains information that an proposer asserts is exempt from public disclosure, **the proposer must specifically identify all relevant text in a letter to the NHDOE 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 packet itself. Marking the entire proposal packet or entire sections of the proposal (e.g., costs) as “confidential” will neither be accepted nor honored.

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

In the event that the NHDOE receives a request to view portions of a proposal that the proposer has properly and clearly marked “confidential,” the NHDOE shall notify the proposer and specify the date that the NHDOE intends to release the requested information, redacting any information the NHDOE independently concludes is exempt, consistent with applicable laws and regulations. Any effort to prohibit or enjoin the release of the information the NHDOE 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 NHDOE may release the information on the date the NHDOE specified in its notice to the proposer(s), or in its notice to any other relevant parties, without any liability to the proposer(s).

- G. Amendment, Extension, or Cancellation of RFP:** The NHDOE reserves the right to amend, extend or cancel this RFP at any time at its sole discretion. Any changes to this RFP will be made in writing and made available to the public on NHDOE’s website. No oral modifications will be binding. Proposers should check the NHDOE 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 proposers may have submitted, if any.
- H. Equal Employment Opportunity and Non-Discrimination:** All parties submitting applications shall be Equal Opportunity Employers. Funding recipients will be expected to comply with all federal, state, and local laws respecting non-discrimination in employment.
- I. Vendor Registration Requirements:** Recipients of funds will be required to register as a vendor with the State of New Hampshire.
- J. Grant Agreement General Provisions:** The terms and conditions set forth in the State’s “General Provisions” for grant agreements, attached hereto as **Attachment B**, will apply to the grant award and funding agreement that the NHDOE will enter into with grantees. In addition, each agreement will be supplemented by several exhibits: Exhibit A will include any special provisions, including any additions to or modifications of the General Provisions; 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. In addition, a number of exhibits shall consist of federally required certifications by grantees of federal funds.
- K. 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, project funding or financing model, project administration, management, or communications, or proposed technical details, must be submitted for review and evaluation by the NHDOE. Amendments to the Grant Agreement are subject to approval by the NHDOE and the Governor and Executive Council of the State of New Hampshire.
- L. Nature of RFP:** This RFP is not an offer. Neither the NHDOE 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 NHDOE and the proposer and is approved by the Governor and Executive Council. No award executed as a result of this RFP will be considered legally binding until duly authorized and approved by the Governor and Executive Council of the State of New Hampshire.

- M. Reporting, Notification, and Inspection:** The NHDOE and the USDOE reserve the right to conduct the following: inspect and monitor financial and payroll records and transactions; inspect project/program sites and interview workers; approve RFPs for sub-recipients and provide input on programs; issue periodic notices, memos, and updated reporting forms and information; request notification about media inquiries, responses, and copies of published clippings; participate in meetings and publicize progress of the Municipal Solar Grant Program; pull back Municipal Solar Grant Program funding, if appropriate.
- N. 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.
- O. Reimbursement of Project Costs:** Payment to grantees under this program is on a cost-reimbursable basis, unless otherwise approved. Disbursement shall be made in accordance with the procedures established by the State and 2 CFR 200.305(b) on an advance basis, limited to minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the applicant in carrying out the purpose of the program. 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 agreement, a grantee is required to submit requests for reimbursement together with supporting documentation of the paid expenditures. The NHDOE will withhold payment of a percentage of any grant award until final completion and interconnection of the project and submission of a final inspection report from the technical monitor.
- P. Technical Monitor:** The NHDOE shall retain the services of a technical monitor to oversee project progress for the duration of the proposed project using funding separate from the applicant's award from the Municipal Solar Grant Program. Upon acceptance of award, the selected applicant is consenting to the use of a technical monitor for the duration of the proposed project. Reasonable access must be provided to the technical monitor to all administrators, vendors, facilities, work sites, employees and subcontractors of the applicant, financial or other records, and assistance to ensure the safety and convenience for the performance of site visits and project evaluations.

- Q. 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 NHDOE at least 10 business days prior to the deadline for submission of applications, by sending written notice to the RFP Point of Contact, Susan Gagne, Program Specialist III. By submitting a proposal, the proposer is deemed to have waived any challenges to the NHDOE’s authority to conduct this award and the form and procedures of this RFP.
- R. Ethical Requirements:** From the time this RFP is published until a grant is awarded, no applicant 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 a grant pursuant to a RFP, or contract pursuant to a similar submission. Any applicant that violates RSA 21-G:38 shall be subject to prosecution for an offense under RSA 640:2. Any applicant, or member of an applicant’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 applying for the RFP, or similar requests for submission, and every such applicant shall be disqualified from bidding on any RFP or similar request for submission issued by any state agency. An applicant 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.

V. BUILD AMERICA, BUY AMERICA

Pursuant to the provisions of the Build America, Buy America Act (Buy America) Pub. L. No. 117-58, §§ 70901-52 under the Infrastructure Investment and Jobs Act (IIJA), Pub. L. No. 117-58, federally assisted projects that involve infrastructure work undertaken by applicable recipient types, require that 1) all iron, steel, and manufactured products used in the infrastructure work are produced in the United States, and 2) all construction materials used in the infrastructure work are manufactured in the United States. For this RFP specifically, all projects are considered “infrastructure” and are subject to the Build America, Buy America provision of the Infrastructure Investment and Jobs Act. More information regarding this requirement can be found below.

A. Definitions

For purposes of the Buy America Requirement, the following definitions apply:

Components are defined as the articles, materials, or supplies incorporated directly into the end manufactured product(s).

Construction Materials are an article, material, or supply – other than an item primarily of iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives – that is used in an infrastructure project and is or consists primarily of non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), lumber, drywall, coatings (paints and stains), optical fiber, clay brick; composite building materials; or engineered wood products.

Domestic Content Procurement Preference Requirement means a requirement that no amounts made available through a program for federal financial assistance may be obligated for an infrastructure project unless

- (A) all iron and steel used in the project are produced in the United States;
- (B) the manufactured products used in the project are produced in the United States; or
- (C) the construction materials used in the project are produced in the United States.

Also referred to as the **Buy America Requirement**.

Grantee means the eligible recipient awarded Municipal Solar Grant Program funding.

Infrastructure includes, at a minimum, the structures, facilities, and equipment located in the United States, for: roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property; and generation, transportation, and distribution of energy – including electric vehicle (EV) charging.

The term “infrastructure” should be interpreted broadly, and the definition provided above should be considered as illustrative and not exhaustive.

Manufactured Products are items used for an infrastructure project made up of components that are not primarily of iron or steel; construction materials; cement and cementitious materials’ aggregates such as stone, sand, or gravel; or aggregate binding agents or additives.

Primarily of iron or steel means greater than 50% iron or steel, measured by cost.

Project means the construction, alteration, maintenance, or repair of infrastructure in the United States.

Public – The Buy America Requirement does not apply to non-public infrastructure. For purposes of this guidance, infrastructure should be considered “public” if it is: (1) publicly owned or (2) privately owned but utilized primarily for a public purpose. Infrastructure should be considered to be “utilized primarily for a public purpose” if it is privately operated on behalf of the public or is a place of public accommodation.

B. Buy America Requirement for Infrastructure Projects (Buy America Requirement)

None of the award funds (includes federal share and Recipient cost share) may be used for a project for infrastructure unless:

- (1) all iron and steel used in the project is produced in the United States – this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- (2) all manufactured products used in the project are produced in the United States – this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
- (3) all construction materials are manufactured in the United States – this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America Requirement only apply to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does the Buy America Requirement apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

The Buy America Requirement does not statutorily apply to grantees that are For-Profit Entities. However, the Buy America Requirement is applicable to a For-Profit Entity if: (1) it is a sub-recipient or sub-grantee under an award that contains the Buy America Requirement term and condition, or (2) it is the grantee that voluntarily chooses to use domestically sourced iron, steel, manufactured products, and constructions materials by stating so in its proposed application containing an infrastructure project. If the For-Profit Entity specifically states that it will comply with the Buy America Requirements in its application and it is selected for award, its award will contain a Buy America Requirement for Infrastructure Projects term and condition.

The grantee is responsible for flowing the Buy America Requirement down to all sub-awards, all contracts, subcontracts, and purchase orders for work performed under the proposed infrastructure project, including to For-Profit Entities when the For-Profit Entity is a sub-recipient or sub-grantee. Grantees must certify or provide equivalent documentation for proof of compliance that a good faith effort was made to solicit bids for domestic products used in the infrastructure project under this award. Grantees must also maintain certifications or equivalent documentation for proof of compliance that those articles, materials, and supplies that are consumed in, incorporated into, affixed to, or otherwise used in the infrastructure project, not covered by a waiver or exemption, are produced in the United States. The certification or proof of compliance must be provided by the suppliers or manufacturers of the iron, steel, manufactured products and construction materials and flow up from all sub-grantees, contractors and vendors to the NHDOE and grantees. The NHDOE and the grantee must keep these certifications with the award/project files and be able to produce them upon request from the USDOE, auditors or Office of Inspector General.

C. Waivers

When necessary, a grantee may apply for, and the USDOE may grant, a waiver from the Buy America Requirement. Requests to waive the application of the Buy America Requirement must be made in writing to the NHDOE for submission to the USDOE. Waiver requests are subject to review by the USDOE and the Office of Management and Budget, as well as a public comment period of no less than 15 calendar days. Waiver requests may take up to 90-120 calendar days to process.

Waivers must be based on one of the following justifications:

- (1) applying the Buy America requirements would be inconsistent with the public interest (Public Interest);
- (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality (Non-Availability); or
- (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent (Unreasonable Cost).

The USDOE will only process waiver requests after an award has been made and for which the requests have been submitted in accordance with the terms and conditions of the award. Waiver requests must be reviewed by NHDOE before submission to the USDOE. Waiver requests will be reviewed by the USDOE and the Office of Management and Budget's Made in America Office and are subject to a public comment period of no less than 15 calendar days.

The USDOE or Office of Management and Budget may request additional information for consideration of the waiver. The USDOE may reject or grant waivers in whole or in part depending on its review, analysis, and/or feedback from the Office of Management

and Budget or the public. The USDOE's final determination regarding approval or rejection of the waiver request may not be appealed by the NHDOE or the grantee.

Requests to waive the Buy America Requirement must include the following:

- Waiver type (Public Interest, Non-Availability, or Unreasonable Cost);
- Grantee name and Unique Entity Identifier (UEI);
- Award information (Federal Award Identification Number, Assistance Listing number);
- A brief description of the project, its location, and the specific infrastructure involved;
- Total estimated project cost, with estimated federal share and grantee cost share breakdowns;
- Total estimated infrastructure costs, with estimated federal share and grantee cost share breakdowns;
- List and description of iron or steel item(s), manufactured goods, and/or construction material(s) the grantee seeks to waive from the Buy America Requirement, including name, cost, quantity(ies), country(ies) of origin, and relevant Product Service Codes (PSC) and North American Industry Classification System (NAICS) codes for each;
- A detailed justification as to how the non-domestic item(s) is/are essential to the project;
- A certification that the grantee made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and non-proprietary communications with potential suppliers;
- A justification statement—based on one of the applicable justifications outlined above – as to why the listed items cannot be procured domestically, including the due diligence performed (e.g., market research, industry outreach, cost analysis, cost-benefit analysis) by the grantee to attempt to avoid the need for a waiver. This justification may cite, if applicable, the absence of any Buy America-compliant bids received for domestic products in response to a solicitation; and
- Anticipated impact to the project if no waiver is issued.

The following principles should be incorporated as minimum requirements in any waiver request:

- **Time-limited:** Consider a waiver constrained principally by a length of time, rather than by the specific project/award to which it applies. Waivers of this type may be appropriate, for example, when an item that is “non-available” is widely used in the project. When requesting such a waiver, the grantee should identify a reasonable, definite time frame (e.g., no more than one to two years) designed so that the waiver is reviewed to ensure the condition for the waiver (“non-availability”) has not changed (e.g., domestic supplies have become more available).
- **Targeted:** Waiver requests should apply only to the item(s), product(s), or material(s) or category(ies) of item(s), product(s), or material(s) as necessary

and justified. Waivers should not be overly broad as this will undermine domestic preference policies.

- Conditional: The grantee may request a waiver with specific conditions that support the policies of IJA/BABA and Executive Order 14017.

More information on Build America, Buy America can be found here:

<https://www.energy.gov/management/build-america-buy-america>

VI. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

Municipal Solar Grant Program grantees agree to comply with the provisions of the National Environmental Policy Act (NEPA) 42 U.S.C. § 4321 et seq., rules promulgated thereunder (40 CFR Parts 1500-1508), guidance documents issued by the Office of Management and Budget or the US Department of Energy (USDOE), New Hampshire's [State Historic Preservation Programmatic Agreement](#), and the signed Statement of Work that is applicable to New Hampshire's EECBG funding.

NHDOE's decision whether and how to distribute Municipal Solar Grant Program funding is subject to NEPA. NEPA requires federal agencies and recipients of federal funding to integrate environmental values into their decision-making processes by considering the potential environmental impacts of their proposed actions. For additional background on NEPA, please see the USDOE's NEPA website at: <https://www.energy.gov/nepa>

The Grantee agrees that it will only fund activities that are listed within the "Bounded Categories" pursuant to the [Statement of Work](#), which includes the development, implementation, and installation of onsite renewable energy technology, provided that projects are installed in or on an existing building or within the boundaries of a facility (defined as an already disturbed area due to regular ground maintenance), do not require structural reinforcement, no trees are removed, are appropriately sized, and are limited to:

1. Solar Electricity/Photovoltaic – appropriately sized system or unit not to exceed 60 kW.
2. Wind Turbine – 20 kW or smaller.
3. Solar Thermal (including solar thermal hot water) – system must be 200,000 BTU per hour or smaller.
4. Ground Source Heat Pump – 5.5 tons of capacity or smaller, horizontal/vertical, ground, closed-loop system.

Grantees shall adhere to the terms and restrictions of New Hampshire's [State Historic Preservation Programmatic Agreement](#) with the USDOE.

Activities/projects not in conformance with the [Statement of Work](#), including ground disturbing activities outside the boundaries of a facility (defined as an already disturbed area due to regular ground maintenance), structural improvements to facilities, and tree removal, are subject to additional NEPA review and approval by USDOE. If the grantee seeks to fund activities that are not listed under the "Bounded Categories" of New Hampshire's [Statement of Work](#), then the Grantee agrees to notify NHDOE and seek NEPA review from USDOE. Activities requiring NEPA review are not authorized for Federal funding and the Grantee may not undertake or fund

those activities unless and until the USDOE, through NHDOE, provides written authorization for those activities.

The grantee is responsible for identifying and promptly notifying NHDOE of extraordinary circumstances, cumulative impacts, or connected actions that may lead to significant impacts on the environment, or any inconsistency with the “integral elements” (as contained in [10 CFR Part 1021, Appendix B](#)) as they relate to a particular project; and activities restricted elsewhere in Award No. DE-EE0010041.

NHDOE shall document conformance with the Bounded Categories listed above before commencement of any project.

The grantee agrees to complete the online USDOE training on NEPA and Historic Preservation at www.energy.gov/node/4816816.

While NEPA compliance is a federal agency responsibility and the ultimate decisions remain with the federal agency, the NHDOE and all grantees will be required to assist in the timely and effective completion of the NEPA process in the manner most pertinent to their proposed project. If the USDOE determines certain records must be prepared to complete the NEPA review process (e.g., biological evaluations or environmental assessments), the grantee may be required to prepare the records at cost for the NEPA review process. In no event shall the NHDOE be either responsible for or held liable for any costs incurred by the applicant in preparation of or in connection with the NEPA review process. Any costs incurred by the grantee to undertake the NEPA review process will not be covered by the NHDOE, nor is it an allowable expense of Municipal Solar Grant Program award dollars.

VII. GRANT AGREEMENT AND CERTIFICATES

A successful proposer will be expected to enter into a grant agreement with the State of New Hampshire. A copy of the General Provisions of the grant agreement to be signed by the parties is included as **Attachment B** to this RFP. In addition, project-specific terms and conditions will be negotiated with the proposer and included in the grant agreement, and several exhibits shall consist

Proposers will be required to fill in this form ONLY upon the NHDOE’s approval of the proposal for Municipal Solar Grant Program funding.

Successful proposers will also be required to provide the following certificates prior to entering into a grant agreement with the DOE:

| | |
|--|---|
| Secretary of State’s Office Certificate of Good Standing (“CGS”) | Individuals contracting in their own name do not need a CGS. Business entities and trade names need a CGS, except for nonresident nonprofit corporations. |
| Certificate of Vote/ Authority (“CVA”) | Individuals contracting in their own names do not need a CVA. Business entities and trade names need a CVA. |

| | |
|----------------------------------|--|
| Certificate of Insurance | Certificate of Insurance form attached with insurance coverage required under the grant agreement. Modifications of insurance coverage required will be specified in Exhibit A to the agreement. |
| Workers' Compensation | Grantee must demonstrate compliance with or exception from RSA 281-A (and, if applicable, RSA 228:4-b and RSA 21-I:80, and any other applicable laws or rules). |
| Proof of active SAM registration | Applicant must provide proof of active SAM registration and a valid UEI number. Applicant must not be debarred from working on projects with Federal funds. |

Proposers will be required to provide these certificates ONLY upon selection of the proposal to receive Municipal Solar Grant Program funding by the NHDOE.

DRAFT