

RFP Solar PV Systems for Illinois Public Sector

**Request for Proposals
to
Finance, Design, Construct, Install, Operate, and
Maintain
New Solar Generation Facilities at:**

City of Collinsville,

City of Urbana,

Town of Fosterberg

Date

February 15, 2016



SECTION A EXECUTIVE SUMMARY

A.1 Background. The City of Collinsville, City of Urbana, and the Town of Fosterberg (the “Districts”) are issuing this Request for Proposals (“RFP”) to solicit separate proposals from qualified solar electric power (“photovoltaic” or “PV”) project developers (“Offeror(s)”) interested in developing PV installations (“Systems”) at locations controlled by the Districts. The Districts request that interested Offerors submit proposals to develop Systems for sites identified in this RFP (“Projects”). Offerors are not required to provide proposals for every Project identified in this RFP **and the Districts are not required to accept proposals for each site.**

The Districts seek to both reduce their metered electricity consumption from the local electric utilities, and to lower their total electricity costs by entering into contracts with the Offeror(s) selected through this RFP process. The Districts anticipate entering into separate agreements with one or more Offerors that are structured in any of the following financial options:

1. Power Purchase Agreement (PPA). The Districts agree to purchase all electricity generated by an installed System that is designed and built by the Offeror (according to design specifications that are approved by the District prior to construction) once the System is commercially operational; or,
2. Design, Build, Buy (DBB). The Districts agree to purchase an installed System that is designed and built by the Offeror (according to design specifications that are approved by the Districts prior to construction) once the System is commercially operational; or,
3. Design, Build, Lease (DBL). The Districts agrees to purchase an installed System that is designed and built by the Offeror (according to design specifications that are approved by the Districts prior to construction) once the System is commercially operational.

Final terms governing the above options will be negotiated following the completion of this RFP process. It is the intent of the specifications, terms and conditions contained herein to describe the requirements and process for this procurement.

The following are the core elements that the Districts will consider when reviewing responses to this RFP:

1. **Offeror’s Technical Capabilities.** Offeror’s submittals must convey the technical capabilities of the firm, its staff, and partners (if any). The submission should demonstrate the Offeror’s ability to manage multiple projects with concurrent construction timelines. **Offerors must submit to the Districts a single complete project package for a recently completed solar photovoltaic project that includes, but is not limited to the following: project drawings, equipment specifications, site elevations, renderings and drawings, component lists, project schedules, project management reports, and commissioning procedures.** This element of the evaluation will be worth up to twenty (20) points.

2. **Project Approach, System and Cost Components.** Offerors must clearly describe their proposed approach to each Project, their design and advantages of their System, and describe all cost components related to any System. **The Districts seeks submittals that include, but are not limited to, technical specifications and cost details concerning the following: proposed solar PV equipment, mounting systems, electrical system interconnection equipment, monitoring and metering equipment. Additionally, the Districts seek submittals to provide detailed information on the necessary network upgrades, environmental costs, curtailment costs, fees or similar items up to and including the utility meter that might not yet be identified or may arise after agreement execution or commercial operation of the System.** This element of the evaluation will be worth up to twenty (20) points.
3. **Financial Value.** Offerors are encouraged to provide competitive pricing for each Project. Separate project pricing proposals for each Project must be submitted on the forms provided in the attachments to this RFP. Offerors may propose other pricing configurations that may be of value to the Districts. Offerors should note that any Districts' obligation to make payments under any PPA or DBL agreement will be subject to annual appropriation over the term of the agreement. This element of the evaluation will be worth up to twenty (20) points.

A.2 Procurement Process. The Districts are conducting a competitive solicitation process, including evaluating and recommending Offerors for award.

1. **Request for Proposals (RFP).** Qualified Offerors selected from the RFQ will be given the Request for Final Proposal for any and all individual Projects and will be provided an opportunity to submit a best and final offer in this RFP. The Districts anticipate conditionally selection of Qualified Offeror(s) that provide(s) the best value to the Districts. Final contract approval may be dependent on the Qualified Offeror's ability to secure revenues through the upcoming Illinois Power Agency auction processes for renewable energy credits.
2. **Qualified Person.** The Districts seek proposals from entities that meet the definition of a "qualified person" as defined by the Illinois Power Agency Act as follows:

"For the purposes of this paragraph (1), "qualified person" means a person who performs installations of photovoltaics, including, but not limited to, distributed photovoltaic generation, and who: (A) has completed an apprenticeship as a journeyman electrician from a United States Department of Labor registered electrical apprenticeship and training program and received a certification of satisfactory completion; or (B) does not currently meet the criteria under clause (A) of this paragraph (1), but is enrolled in a United States Department of Labor registered electrical apprenticeship program, provided that the person is directly supervised by a person who meets the criteria under clause (A) of this paragraph (1); or (C) has

obtained one of the following credentials in addition to attesting to satisfactory completion of at least 5 years or 8,000 hours of documented hands-on electrical experience: (i) a North American Board of Certified Energy Practitioners (NABCEP) Installer Certificate for Solar PV; (ii) an Underwriters Laboratories (UL) PV Systems Installer Certificate; (iii) an Electronics Technicians Association, International (ETAI) Level 3 PV Installer Certificate; or (iv) an Associate in Applied Science degree from an Illinois Community College Board approved community college program in renewable energy or a distributed generation technology.”

A.3 Bid Format and Forms. Offerors will be required to submit their pricing proposals substantially in the format described in **Section D** of this RFP.

A.4 Selection Criteria. Proposals will be evaluated in accordance with **Section C** of this RFP. The following evaluation criteria will be used: Technical Capabilities (20 points), System and Cost Components (20 points), and Financial Value (20 points)

A.5 Procurement Schedule. The Districts maintains the right to adjust the schedule at their sole discretion.

EVENT	DATE
Issue RFP	February 15, 2016
Site Visits (Not Mandatory) *Highly Recommended	Week of February 22
Initial Questions/Clarifications Due	February 22
Addendum 1 Issued (Responses to Questions)	February 23
RFP Responses Due	February 29
Evaluation Period	February 29 – March 1
Offeror Interviews	March 1 – 4
Conditional selection of Offeror(s)	March 4
Illinois Power Agency Auction – Phase 1 (Initial filing)	March 10
Contract negotiation and determination to participate in Phase ii bidding	March 10 - 23
Illinois Power Agency Auction – Phase II (bidding)	March 23
Contract execution upon success in Illinois Power Agency Auction	post-March

A.6 Attachments

- Attachment A.1** Master Summary of Projects
- Attachment A.2** Project Technical Overview Documents
- Attachment A.3** Project Site Historical Electricity Usage
- Attachment A.4** Solar PV System Design Specifications
- Attachment B** Pricing Proposal and Production Form
- Attachment C** Form of Offer Letter
- Attachment D** Disclosure Form
- Attachment E** Draft Solar PPA

A.7 Contacts

Mark Pruitt
The Power Bureau
markjpruitt@thepowerbureau.com

Any inquiries must be sent to the contact listed above.

SECTION B SCOPE OF WORK

B.1 Scope of Work. In general, the selected developer(s) will be required to design and build Systems for Projects awarded by the Districts. The Districts shall determine their own preferred manner of financing the Projects (e.g. PPA, DBB, DBL).

Offerors may provide proposals for any and all Projects identified in Attachment A.

Project pricing is intended to reflect a discounted price that includes economies of scale and reduced transaction costs associated with aggregating multiple projects and securing funding from the Illinois Power Agency Supplemental PV Procurements (<http://ipa-energyrfp.com/supplemental-pv-procurement-section/>). Although the Districts have conducted a feasibility level of due diligence, the Offerors' submitted project pricing should anticipate that unforeseen conditions or other factors exist which may result in technical challenges to proceeding with an individual project or projects as described. In such cases, the Districts will have the opportunity (but not the obligation) to identify and propose substitute alternate sites of a similar size to those described in the relevant project within this solicitation; however, no such site will be substituted unless it is mutually acceptable to both the Districts and the Offeror.

The Districts will continue to explore and evaluate options for other on-site and off-site renewable energy generation projects. Future projects are not within the scope of work for this solicitation.

B.1.1 Site Information and Data. The Districts have organized information for the potential Projects in an attempt to optimize Offerors' assessment of the sites. Site information has been provided for Offerors' reference. All referenced documents are attached to this RFP in **Attachments A.1 through A.4.**

- **Master Summary of Projects – Attachment A.1**
- **Project Technical Overview Documents – Attachment A.2**
- **Project Site Historical Electricity Usage – Attachment A.3**
- **Solar PV System Design Specifications – Attachment A.4**

The Districts make no representations with respect to the accuracy or completeness of any of the information provided as part of this RFP regarding the sites, including their suitability. All provided information has been checked for accuracy, but errors or omissions may exist, for which the Districts shall have no liability. Offerors take sole and full responsibility for conducting any necessary due diligence and assessing the sites and their conditions in developing their proposals. Such assessment of the sites and their conditions shall be performed by the Offeror at its own cost.

B.1.2 Preliminary Site Assessment Data. Sites included in this RFP were selected with consideration given to available space, site energy costs, and anticipated economic feasibility of

the proposed Systems. The site data available for use to develop projects at these sites included in **Attachment A.2**.

B.1.3 Site Visits. The Districts have made the following dates available for site tours by Offerors. Additional dates may be made available by the Districts upon request by the Offerors.

Agencies	Available Dates and Times
City of Collinsville	February 25, 2pm
City of Urbana	Appointments upon request
Town of Fosterberg	February 25, 10am

B.2 Specific Requirements. The Offeror’s proposal shall address the following requirements.

B.2.1 Technical Requirements. All Systems proposed under this RFP must conform to industry best practices and the requirements that will be described in detail in **Attachment A.4**, along with site information provided in **Attachments A.2 and A.3**, and any addenda issued as a result of the site visits. Each Offeror must demonstrate how their proposal will meet these technical requirements, and its pricing must be based on these specifications.

B.2.2 Financing Requirements. The Districts presently intend to enter into agreements with the Offerors identified in the RFQ process. Offerors are therefore encouraged in this phase to outline innovative structures for the Districts’ consideration that may offer cost savings and other advantages to the Districts.

B.2.3 Terms and Conditions. Offerors are advised that the Districts have not determined the final form of agreement that will be used in this solicitation. However, Offerors who are going to present a PPA reference a draft form of PPA as found in **Attachment E**. Please note, some Districts require at least forty-five (45) days billing terms, and must have the option of making payments by check sent via US Mail without incurring any penalties.

B.2.4 Conformance with Laws Including Licensing, Accreditation and Registration. Each selected developer and all of its subcontractors and sub-consultants (regardless of tier) shall comply with all applicable District, state, local municipality (when applicable) and federal laws, including those relating to the licensing, accreditation, and registration. **SPECIAL NOTE: The Districts have determined that the Projects resulting from this RFP process are subject to the Illinois Prevailing Wage Act, and Offeror’s are instructed to provide pricing proposals that reflect prevailing wage rates.** This contract calls for the construction of a “public work,” within the meaning of the Illinois Prevailing Wage Act, 820 ILCS 130/.01 *et seq.*

(“the Act”). The Act requires contractors and subcontractors to pay laborers, workers and mechanics performing services on public works projects no less than the “prevailing rate of wages” (hourly cash wages plus fringe benefits) in the Districts where the work is performed. For information regarding current prevailing wage rates, please refer to the Illinois Department of Labor’s website at: <http://www.state.il.us/agency/idol/rates/rates.HTM>.

All contractors and subcontractors rendering services under this contract must comply with all requirements of the Act, *including but not limited to*, all wage, notice and record keeping duties.

As defined by the Illinois Prevailing Wage Act, "Public works" means all fixed works constructed by any public body, other than work done directly by any public utility company, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" as defined herein includes all projects financed in whole or in part with bonds issued under the Industrial Project Revenue Bond Act (Article 11, Division 74 of the Illinois Municipal Code), the Industrial Building Revenue Bond Act, the Illinois Finance Authority Act, the Illinois Sports Facilities Authority Act, or the Build Illinois Bond Act, and all projects financed in whole or in part with loans or other funds made available pursuant to the Build Illinois Act. "Public works" also includes all projects financed in whole or in part with funds from the Fund for Illinois' Future under Section 6z-47 of the State Finance Act, funds for school construction under Section 5 of the General Obligation Bond Act, funds authorized under Section 3 of the School Construction Bond Act, funds for school infrastructure under Section 6z-45 of the State Finance Act, and funds for transportation purposes under Section 4 of the General Obligation Bond Act. "Public works" also includes all projects financed in whole or in part with funds from the Department of Commerce and Economic Opportunity under the Illinois Renewable Fuels Development Program Act for which there is no project labor agreement. "Public works" also includes all projects at leased facility property used for airport purposes under Section 35 of the Local Government Facility Lease Act. "Public works" also includes the construction of a new wind power facility by a business designated as a High Impact Business under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone Act.

"Construction" means all work on public works involving laborers, workers or mechanics. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented. More information concerning the Illinois Prevailing Wage Act requirements can be found at: <https://www.illinois.gov/idol/Laws-Rules/CONMED/Pages/prevailing-wage-act.aspx>

Responsible bidder for construction contracts means a bidder who meets all of the following applicable criteria, and submits evidence of such compliance:

- a. *All applicable laws prerequisite to doing business in Illinois.*
- b. *Evidence of compliance with:*
 - i. *Federal Employer Tax Identification Number or Social Security Number (for individuals).*

ii. Provisions of Section 2000(e) of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11246 as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions).

c. Certificates of insurance indicating the following coverages: general liability, workers' compensation, completed operations, automobile, hazardous occupation, product liability, and professional liability.

d. Compliance with all provisions of the Illinois Prevailing Wage Act, including wages, medical and hospitalization insurance and retirement for those trades as covered in the act.

e. Participation in apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training.

B.2.5 Time is of the Essence. Time is of the essence with respect to the implementation of these Projects.

SECTION C EVALUATION AND AWARD CRITERIA

C.1 Evaluation Process. The Districts shall evaluate submissions and any best and final offers in accordance with the provisions of this **Section C** and the Districts' individual Procurement Regulations.

C.2 Evaluation Committee. Each proposal shall be evaluated in accordance with this **Section C**. Based on the information submitted by the Offerors in response to this RFP.

C.3 Oral Presentation. The Districts may decide to interview Offerors as part of procurement. When the Districts conduct such interviews, each Offeror within the competitive range shall make an oral presentation to the Districts' evaluators, and participate in a question and answer session. The purpose of the oral presentation and the question and answer session is to permit the evaluators to fully understand and assess the qualifications of each Offeror and the Offeror's key personnel. The Districts will announce the schedule for and details of oral presentations at a date after submittals have been reviewed.

C.4 Proposal Evaluation. Each of the Evaluation Criteria described in this **Section C** will be used in evaluating proposals and establishing Offerors to participate in this procurement.

C.4.1 Technical Qualifications (20 points). The Districts desire to engage a developer with the technical capability necessary to realize the Districts' objectives set forth in this RFP. **Offerors are directed to submit an electronic copy of a recently undertaken or completed solar PV project package that includes, but is not limited to the following: project drawings, equipment specifications, site elevations, renderings and drawings, component lists, project schedules, project management reports, and commissioning procedures.** This portion of the submittal will be used by the Districts to determine the quality and completeness of each Offeror's technical and engineering qualifications. This element of the evaluation will be worth up to twenty (20) points.

C.4.2 Project Approach, System and Cost Components (20 points). The Districts intend to enter into agreements with the selected Offerors that clearly describe their proposed approach to the Project, their design and advantages of their System, and describe all cost components related to any System. To this end, Offeror's are instructed to provide a thorough and complete narrative concerning their approaches to Projects and each Project's design. Additionally, the Offerors must include a proposed project schedule and timetable for each Project that includes realistic milestones. The Districts also seek submittals that include, but are not limited to, technical specifications and cost details concerning the following: proposed solar PV equipment, mounting systems, electrical system interconnection equipment, monitoring and metering equipment. Additionally, the Districts seek submittals to provide detailed information on the necessary network upgrades, environmental costs, curtailment costs, fees or similar items up to and including

the utility meter that might not yet be identified or may arise after agreement execution or commercial operation of the Systems. This element of the evaluation will be worth up to twenty (20) points.

C.4.3 Project Financials (20 points). Each Offeror is required to complete Attachment B for each Project for which it wishes to be considered. The Offeror will be evaluated based on the levelized cost of energy over a period of up to 20-years (including the costs of operations and maintenance). Offerors shall provide information and cash-flow modeling with transparent methodology. This element of the evaluation will be worth up to twenty (20) points.

SECTION D PROPOSAL ORGANIZATION AND SUBMISSION

This section outlines specific information necessary for the proper organization and manner in which Offerors' Proposals should be proffered. References are made to other sections in this RFP for further explanation.

D.1 Submission Identification. Except for spreadsheet bid forms, which shall be submitted in Microsoft Excel format, submissions shall be proffered in electronic PDF format. The Offeror's submission shall be in electronic form and submitted by email with a subject line stating "Proposal to Finance, Design, Construct, Install, Operate and Maintain New Solar Generation Facilities" to the parties identified in Section D.2.

D.2 Delivery or Mailing of Submissions. Submissions must be electronically mailed to:

Mark Pruitt
Principal
The Power Bureau

markjpruitt@thepowerbureau.com

D.3 Date and Time for Receiving Submissions. Submissions must be received no later than 2:00 pm CST on March 7, 2016. The Offeror assumes the sole responsibility for timely delivery of its Submission, regardless of the method of delivery.

D.4 Submission Size, Organization and Offeror Qualifications. All submissions shall be submitted in electronic PDF format and submitted by email. Hard copy and facsimile submissions shall not be accepted. The Districts are seeking brief, clear and concise proposals. The submission shall be organized substantially as follows **(NOTE: A SINGLE SUBMITTAL OF PARTS 1- 4, 6, AND 7 CAN BE SUBMITTED FOR MULTIPLE PROJECT PROPOSALS; HOWEVER, A SEPARATE PART V SHOULD BE SUBMITTED FOR EACH PROJECT PROPOSED BY THE OFFEROR.)**

PART I Table of Contents. Proposals shall include a table of contents listing the individual sections of the proposal and their corresponding page numbers.

PART II Executive Summary. Each Offeror should provide an executive summary of no more than three (3) pages providing a brief synopsis of the highlights of its proposal and addressing the Offeror's capabilities, experience, access to capital and the experience of its management personnel.

PART III General Team Information and Firm(s) Data. Each Offeror should provide the following information for the principal developer firm and each of its sub-consultants.

A. Name(s), address(es), and role(s) of each firm (including all sub-consultants).

- B. Description of the team organization IDENTIFY the single point of contact for the Offeror.

PART IV Technical Qualifications. Each Offeror must submit an electronic copy of a recently undertaken or completed solar PV project package that includes, but is not limited to the following: project drawings, equipment specifications, site elevations, renderings and drawings, component lists, project schedules, project management reports, and commissioning procedures. This portion of the submittal will be used by the Districts to determine the quality and completeness of each Offeror's technical and engineering qualifications.

PART V Project Proposals. Offerors are to address each Project separately in the following areas:

A. Project Approach. The Proposal shall include a description of the approach Offeror will use to design, procure equipment and components, construct, and commission the solar power generation systems. The Proposal shall describe how Offeror will comply with the requirements of the RFP, obtain timely permits and approvals, and accommodate ongoing operations during construction, including how Offeror intends to meet the Districts' schedule. The Proposal shall describe Offeror's approach to Project and construction management, document control, and Project administration including risk mitigation and escalation processes. Due to the number of potential PV sites, the Proposal shall include a narrative addressing how Offeror recommends phasing the work in order to efficiently execute the design, design review, installation, and commissioning of the systems at the various sites. The Proposal shall also describe quality assurance procedures and safety plans. The Proposal shall contain a description of Offeror's strategy for communicating with the Districts and assisting the Districts in its efforts to achieve the overall objective(s) for this project.

B. Technical Proposal. The Technical Proposal shall describe the equipment, materials, and methods the Offeror would employ if selected. Offerors shall provide a narrative that describes the equipment and systems proposed and discussing why these were selected as the optimal choice. This section shall include:

- i. Proposed System Overview: Technical narrative that describes the proposed systems, including but not limited to: general considerations, rated kWh DC capacity, expected kWh AC output in the first year and over a twenty (20) year period, mounting approach (tilt, tracking), and total area required for the PV system at each site in the applicable Project.
- ii. Proposed Equipment List: Model, technical specifications, quantity and characteristics of: modules, inverters, mounting structures, tracking system (if any), generation meters, Data Acquisition System (DAS) and monitoring system.

The Technical proposal will describe the availability, supply and quality of proposed equipment. Technical spec sheets should be included in this section.

- iii. Monitoring System Preliminary Design: Overview of the proposed Data Acquisition System (DAS), including quantity and model of proposed sensors, data acquisition hardware and software, screen shots of proposed solutions and IT requirements. Respondents shall identify requirements for connecting the DAS to the Internet.
- iv. Monitoring / Data Presentation Information: Specifications of proposed monitoring software, including screenshots of user interface and system diagnostic capabilities, as well as hosting requirements, performance data and billing management plan and processes.
- v. Supporting Data: Offeror shall submit a completed form found in **Attachment B**, proposed quantity and model of modules and inverters for each site in each Project being proposed. Offerors shall also submit annual estimated production data by utilizing NREL's PVWatts™ Calculator (<http://pvwatts.nrel.gov/>) or other tools such as PVsyst.

C. Financial Proposal. All Offerors must provide information as requested below relating to their team's financial ability to build, own (if necessary) and operate (if necessary) the solar power generation systems. Each Offeror must demonstrate to the Districts that it has access to capital on terms and conditions that will allow it to construct the systems on competitive terms. All Offerors must address the financing methodologies they intend to use for the Project(s) on which they are bidding. Each Offeror is encouraged to provide pricing offers for each Project on the form provided in **Attachment C**.

PART VI Form of Offer Letter. Each Offeror shall submit a Form of Offer Letter substantially in the form of **Attachment C**. Material deviations, in the opinion of the Districts, from the bid form may be sufficient to render the proposal non-responsive.

PART VII Disclosure Form. Each Offeror shall submit a Disclosure Statement substantially in the form of **Attachment D**.

SECTION E BIDDING PROCEDURES & PROTESTS

E.1 Contact Person. For information regarding this RFP please contact:

Mark Pruitt
The Power Bureau
(219) 921-3828
markjpruitt@thepowerbureau.com

Any inquiries must be sent to the contact listed above.

E.2 Explanations to Prospective Offerors. Each Offeror should carefully examine this RFP and any and all amendments, addenda or other revisions, and thoroughly familiarize itself with all requirements prior to proffering a submission. Should an Offeror find discrepancies or ambiguities in, or omissions from, the RFP and amendments, addenda or revisions, or otherwise desire an explanation or interpretation of the RFP, any amendments, addenda, or revisions, it must submit a request for interpretation or correction in writing. Any information given to an Offeror concerning the solicitation shall be furnished promptly to all other Offerors as an amendment or addendum to this RFP if in the sole discretion of the Districts that information is necessary in proffering submissions or if the lack of it would be prejudicial to any other prospective Offerors. Oral explanations or instructions given before the award of the contract shall not be binding.

Initial questions should be directed to the e-mail addresses listed in Section E.1 no later than 12:00 p.m. CST on February 22, 2016. Questions will be addressed and included in a RFP Addendum.

E.3 Retention of Submissions. All submissions shall be retained by the Districts and therefore shall not be returned to the Offerors. With the exception of proprietary financial information, the submissions shall become the property of the Districts and the Districts shall maintain the right to distribute or use such information as it determines.

E.4 Examination of Submissions. Offerors are expected to examine the requirements of all instructions (including all amendments, addenda, attachments and exhibits) in this RFP. Failure to do so shall be at the sole risk of the Offeror and may result in disqualification.

E.5 Late Submissions; Modifications

- A. Any submission received at the office designated in this RFP after the exact time specified for receipt may be rejected from consideration.
- B. Any modification of a submission is subject to the same conditions throughout this RFP.
- C. The only acceptable evidence to establish the time of receipt is the electronic time-date of such submittal..

- D. Notwithstanding any other provisions of this Request for Proposals to the contrary, a late modification of an otherwise successful submission which makes its terms more favorable to the Districts may be considered at any time it is received and may be accepted.
- E. Submissions shall be irrevocable and remain in full force and effect for a period not less than 120 days after the close of this solicitation.

E.6 No Compensation for Preparation of Submissions. The Districts shall not bear or assume any financial obligations or liabilities regarding the preparation of any submissions submitted in response to this RFP, or prepared in connection therewith, including, but without limitation, any submissions, statements, reports, data, information, materials or other documents or items.

E.7 Rejection of Submissions. The Districts reserve the right, in its sole discretion:

- A. To cancel this solicitation or reject all submissions.
- B. To reject submissions that fail to prove the Offeror's responsibility or access to capital.
- C. To reject submissions that contain conditions and/or contingencies that in the Districts' sole judgment, make the submission indefinite, incomplete, otherwise nonresponsive, or otherwise unacceptable to the Districts.
- D. To waive minor irregularities in any submission provided such waiver does not result in an unfair advantage to any Offeror.
- E. To take any other action within the applicable Procurement Regulations or law.
- F. To reject the submission of any Offeror that has submitted a false or misleading statement, affidavit or certification in connection with such submission or this Request for Proposals.

E.8 Non-Responsive Pricing. In general, the Districts will consider any proposal non-responsive if Offeror's price is greater than 150% of the median price submitted by other Offerors and reserve the right to reject such proposals from further consideration.

ATTACHMENT A
Site Information