



**Office of  
General Services**

# **Pre-Bid Conference**

**Solicitation 23017 PRB – Solar Power Purchase Agreements**

**April 3, 2019 - The webinar will begin shortly**

# General Information

# Housekeeping

- If you have not done so already, please make sure that your phone is on mute.
- Please hold all questions until the end of the pre-bid conference.



# OGS Representatives

Name	Title
Kelly Rothkopf	Contract Management Specialist
Todd Gardner	Contract Management Specialist 3
Sean Hume	Assistant Director

# Today's Question and Answer Policy

- **Today's verbal answers are not binding.** Only the written responses published after today's conference will be the official, binding responses of the state.
- Any questions asked today must be submitted in accordance with Section 2.5, *Inquiries and Solicitation Deviations* of the Solicitation using Attachment 8 – *Bidder Questions Form*.
- In the event of an inconsistency between this PowerPoint and the solicitation (including accompanying attachments), the solicitation and the accompanying attachments posted to the OGS Procurement Services website shall supersede information in this presentation.



# Conference Schedule

Activity	Time(s)
Introduction – General Information	1:00-1:05 PM
Procurement Lobbying Law	1:05-1:10 PM
Solicitation Overview	1:10-1:25 PM
Proposal Format	1:25-1:35 PM
Insurance Requirements	1:35-1:40 PM
Questions	1:40-2:00 PM

# Key Event Calendar

Event	Date	Time
Closing Date for Bidder Inquiries, First Round	4/10/19	5:00 PM ET
Responses to Bidder Inquiries (Estimated)	4/17/19 (Tentative)	NA
Submission of Solicitation and Bid Opening	5/7/19	10:00 AM ET

Changes may occur. The most recent version of the calendar will be available in the solicitation document on our website at:

<http://www.ogs.ny.gov/purchase/biddocument/23017Bid.asp>



# Procurement Lobbying Law & What You Need to Know





# Restricted Period

## Remember: We are in a restricted period.

State Finance Law sections 139-j and k regulate communications between bidders and OGS during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit bids through final award and approval of the procurement contract by OGS, to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a).



# Who is a Designated Contact?

## PRIMARY CONTACT

Kelly Rothkopf, Contract Management Specialist

Phone: (518) 486-1908 | Email: [kelly.rothkopf@ogs.ny.gov](mailto:kelly.rothkopf@ogs.ny.gov)

## SECONDARY CONTACT

Todd Gardner, Contract Management Specialist 3

Phone: (518) 474-3540 | Email: [todd.gardner@ogs.ny.gov](mailto:todd.gardner@ogs.ny.gov)

## TERTIARY CONTACT

Seam Hume, Procurement Manager 1

Telephone No. (518) 486-1692 | Email: [sean.hume@ogs.ny.gov](mailto:sean.hume@ogs.ny.gov)



# Designated Contacts for MWBE Inquiries Only

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## PRIMARY CONTACT

Tryphina Ramsey

Phone: (518) 473-7083

Email: [tryphina.ramsey@ogs.ny.gov](mailto:tryphina.ramsey@ogs.ny.gov)

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# What if a Bidder wants more information?

- Refer to:
  - <http://www.ogs.ny.gov/acpl>
    - Sets forth guidance from the Advisory Council on Procurement Lobbying, including FAQs
  - <https://ogs.ny.gov/system/files/documents/2018/09/procurementlobbyinglawrefresher.pdf>
    - Sets forth OGS policies and practices

# The Existing Contract

# Contract Overview

- The New York State Office of General Services Procurement Services (OGS) awarded the Solar Power Purchase Agreement (PPA) backdrop contract on May 1, 2017 to 9 contractors covering multiple Regions and Lots.
- The current contract term is until April 30, 2022 with possible extensions up to five additional years.
- To date 5 mini-bids have been released, representing **50 megawatts of capacity**
- The value of the PPAs are estimated to be \$3.5 million annually
- Sales are expected to increase as agencies implement projects to meet EO166 goals



# Solicitation Overview

# Overview

- This first periodic recruitment is issued by the New York State Office of General Services Procurement Services (OGS) for the purposes of awarding additional multiple backdrop contracts and give current contractors the opportunity to be awarded additional Lots and Items from award date to April 30, 2022 with possible extensions up to five additional years to establish regional, item based coverage for PPAs.
- Vendors awarded a contract are prequalified to bid on specific projects let by authorized users at a later date through a Mini-Bid process.
- Mini-Bids are issued by authorized users and distributed to each vendor holding a centralized contract for the item(s) and region that are applicable to the Mini-Bid.
- A contractor awarded a Mini-Bid will be issued a Mini-Bid agreement number, and all sales that occur through this contract must be reported to OGS.





# Existing Contractors

- This periodic recruitment is open to Contractors who already hold a Centralized Contract for Award 23017 as well as new Bidders
- Contractors who already hold a Centralized Contract may bid on items not currently awarded.
- Contractors who already hold a Centralized Contract may not submit a bid for an item within a Lot and Region that it is currently awarded to them.



# Who Can Use Our Contracts?

Awarded contract may be utilized by all New York State agencies and other authorized users as authorized by §163(1)(k) of the State Finance Law, including but not limited to, local governments, public authorities, public school and fire districts, public and nonprofit libraries, and certain other nonpublic/nonprofit organizations.



# Bidder Minimum Qualifications

Minimum qualifications are listed in Section 3.1 of the Solicitation. Minimum qualifications are documented using Attachment 10 - *Minimum Qualifications Submittal Form*.

## Bidder Must:

- Have at least three (3) years of continuous operation and experience for the three years prior to the bid opening;
- Provide a list of ten (10) completed PV projects using the PPA model that were completed in the last five (5) years

# Bidder Minimum Qualifications, Cont'd

## For the ten (10) projects:

- At least one of the projects must have a PV size greater than the largest sized item being bid on:
  - If bidding on only <200 kW items (Lots 1, 2, 3, 4, 5, 6, Item 1), one reference must have a size of 200 kW or greater;
  - If bidding on 200 to 1000 kW items (Lots 1, 2, 3, 4, 5, 6, Item 2), one reference must have a size of 1000 kW or greater;
  - If bidding on >1000 kW items (Lots 1, 2, 3, 4, 5, 6, Item 3), one reference must have a size of 1000 kW or greater;
- At least one of the projects must have a PPA that was executed three or more years prior to the Bid opening date

# MWBE Participation Goals

- OGS has established a goal of 15% for minority-owned business enterprises (MBE) participation and 15% for women-owned business enterprises (WBE) participation (collectively referred to as MWBE) for a total contract MWBE goal of 30%.
- The requirements are included in Section 8.13 of the solicitation.

# MWBE Utilization and Staffing Plans

- Bidders are required to submit a completed utilization plan on Form MWBE 100 with their bid.
- Bidders are required to submit a completed equal employment opportunity staffing plan on Form EEO 100 with their bid.

OGS strongly encourages bidders to begin working with the OGS Office of Minority and Women-Owned Business Enterprises to complete these requirements.

Forms are available at: <https://ogs.ny.gov/mwbe/>



# How This Contract Will Be Awarded

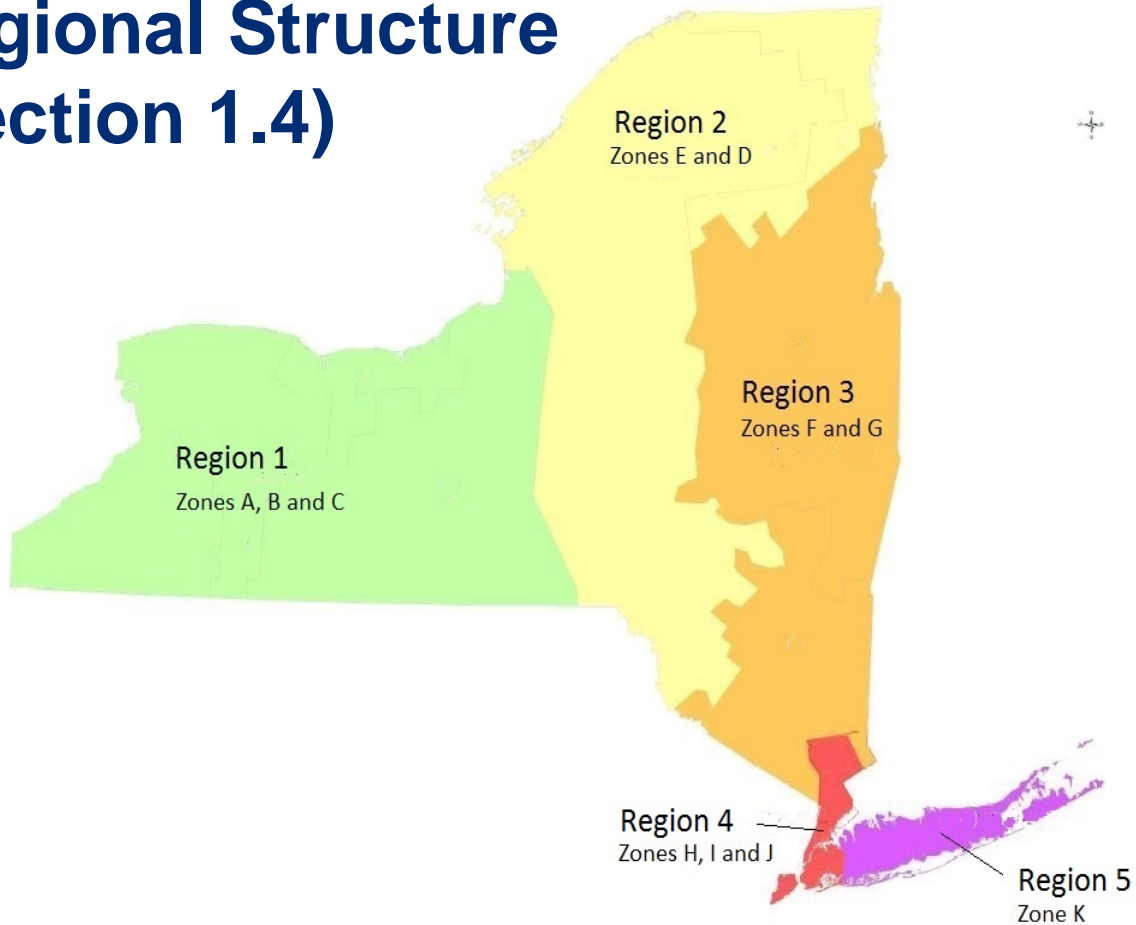
# Method of Award

- Solicitation 23017 will be awarded based on the responses received.
- Awards will be made by item for each Lot and Region to each bidder who meets the minimum qualifications, passes a reference check and offers reasonableness of price.
  - The Administrative Proposal will be reviewed for completeness and to ensure that the bidder meets minimum qualifications;
  - A reference check will be performed in accordance with Section 5.2
  - Reasonableness of price will be evaluated in accordance with Section 5.3:
    - » For each item within a Lot and Region, the bidder's 'Not to Exceed PPA Price' must be less than or equal to 150% of the average 'Not to Exceed PPA Price' for all bidders of that item





# Regional Structure (Section 1.4)



# Lots & Items (Section 1.3)

There are six (6) lots:

- Lot 1 – On-Site Net Metered Ground System
- Lot 2 – Remote Net Metered Ground System
- Lot 3 – On-Site Net Metered Pole System
- Lot 4 – Remote Net Metered Pole System
- Lot 5 – On-Site Net Metered Parking Canopy System
- Lot 6 – On-Site Net Metered Roof System

# Each Lot contains four (4) items

- Item 1: PV sizes less than 200 kW
- Item 2: PV sizes 200 to 1000 kW
- Item 3: PV sizes greater than 1000 kW
- Item 4: Storage system with smart inverter

# When Bidding on the Centralized Contract:

- The Bidder may bid on any combination of Items 1, 2 and 3 within a Lot and Region provided the minimum qualifications of the Solicitation are met. Bidders are not required to provide a Bid for every Lot within a region or every Item within a Lot;
- To be eligible for an award for Item 4, the Bidder must provide a Bid for either Items 1, 2 or 3 within that Lot and Region.
- The centralized contract pricing is a maximum, not to exceed price – See Section 7.6 for requirements for Mini-Bid pricing.

# When Bidding on Item 4:

- Pricing for Item 4, 'Storage System with Smart Inverter', is optional; however only Bidders awarded Item 4 will be eligible to participate in Mini-Bids that include that item
- This item is for solar power storage systems and includes all equipment necessary to provide power storage, manage the use of the power and integrate the storage system into the Photovoltaic System
- Item 4 does not include the cost of the PV System

# Mini-Bids

- Authorized Users will create a Mini-Bid Request for Proposals
  - Mini-Bid RFP will contain specific details regarding the project such as details on the installation site, the proposal requirements, method of award, etc.
- Authorized Users may utilize NYPA or other third party consultant as applicable to assist in preparing and conducting the Mini-Bid RFP
- Contractors must hold a centralized contract for the region, lot and item applicable to the mini-bid in order to participate and submit a proposal.

# Mini-Bids, Continued

- Mini-bid PPA pricing must meet the requirements of Section 7.6:

$(\text{Total PPA price per kWh}) \leq (\text{Not to Exceed Price}) + (\text{Third Party Consulting Fees}) - (\text{Incentives})$

- For PPA's with a flat kWh rate, the PPA kWh rate shall meet this requirement for the entire term of the PPA;
- For PPA's with an escalating kWh rate, the average of the kWh rate in the first year and the last year shall meet this requirement.

# Mini-Bids

- Mini-bid agreements are awarded as a result of responses to specific mini-bids.
- Mini-bid agreements are awarded on the basis of best value, with the evaluation weights and Method of Award detailed in the Mini-Bid RFP.



# Format of Proposal

- The requirements for the proposal are detailed in Section 4 'Format of Proposal'.
- Should any amendments be issued, please make sure that the latest documents are submitted with your proposal along with the signed Purchasing Memo issued for the amendment.
- **To be notified of amendments and other changes, you must register with the NYS Contract Reporter and choose the option to receive notifications.**

# New York State Contract Reporter

- You must register with the New York State Contract Reporter (NYSCR) at <https://www.nyscr.ny.gov> in order to receive notifications about this solicitation
- Navigate to the “I want to find contracts to bid on” page to register for your free account
- You must choose the option “send me notification updates on this,” located in the lower right hand corner of the particular ad
- The question and answer document will be available through the NYSCR
- Any updates to solicitation documents will also be available through the NYSCR
- If you do not opt-in to receive notification updates regarding a particular ad, you will not receive e-mail notifications regarding updates
- **Be advised that submission of responses to the solicitation that do not reflect and take into account updated information may result in your bid being deemed non-responsive to the solicitation**

# Solicitation Submission

All bids must have a label on the outside of the box or package itemizing the following information:

1. BID ENCLOSED (preferably bold, large print, all capital letters)
2. SOLICITATION #23017 PRB
3. Bid Opening date and time (May 7, 2019 11:00 AM)
4. The number of boxes or packages (i.e., 1 of 2, 2 of 2)



# Solicitation Submission

All bids shall be delivered to the following address on or before 11:00 AM ET on or before the bid opening date:

**State of New York Executive Department  
Office of General Services  
Procurement Services  
Corning Tower - 38th Floor Reception Desk  
Empire State Plaza  
Albany, NY 12242**





## A Complete Proposal Consists of an electronic and original paper version of the Following:

- Pages 1 and 2 of the Solicitation with original ink signatures (PDF);
- Completed Attachment 1 – Pricing Pages (Excel - **Electronic Copy Only**);
- Completed Attachment 2 – NYS Required Certifications with original ink signatures (PDF);
- Completed Attachment 3 – Encouraging Use of NYS Businesses (PDF);
- Proof of compliance with Attachment 4 – Insurance Requirements (PDF);
- Completed Attachment 5 – Bidder Information Questionnaire (Excel);
- Completed Attachment 6 – Use of SDVOBs in Contract Performance (PDF);
- Completed Attachment 7 – Bidder Submission Checklist (Excel);
- Completed Attachment 10 – Minimum Qualification Submittal Form
- Completed ST-220CA, Contractor Certification, notarized with original ink signatures (PDF);
- Completed MWBE 100, MWBE Utilization Plan (PDF);
- Completed Form EEO100, Equal Employment Opportunity Staffing Plan (PDF);
- Standard Vendor Responsibility Questionnaire (completed and scanned to PDF) or Certification that Questionnaire has been completed online (PDF).



# Insurance Requirements

- See Attachment 4 of the solicitation for complete requirements.
- Proof of Workers' Compensation and Disability Benefits Insurance shall be provided at the time of bid submission; and
- Proof of Commercial General Liability Insurance and Comprehensive Business Automobile Liability Insurance shall be provided at the time of bid submission.

# Insurance Requirements

**Note: Specific endorsements are required for the CGL and Auto policies:**

- **Waiver of Subrogation and Additional Insured**
  - All endorsement forms must refer to the same policy number as the Certificate of Insurance.
  - The state will accept blanket endorsements if they provide the requisite coverage.

# Insurance Requirements

## Additional Insured – CGL and Auto:

- The solicitation requires that the following be named as additional insureds:
  - “The People of the State of New York, The New York State Office of General Services, any entity authorized by law or regulation to use any Contract resulting from this solicitation and their officers, agents, and employees.”
- CGL Policies - CG 20 10 11 85 or an equivalent – Additional Insured – Owner, Lessees or Contractors (Form B) which provides coverage for ongoing and completed operations must be provided.
- Umbrella/Excess policies overlaying either policies must provide the same additional insured coverage as that of the underlying policy.



# Reminders

- We are in a restricted period
- Here's how to contact us:
  - ✓ Reach out to the Designated Contacts
- Where to find the solicitation documents:
  - ✓ <http://www.ogs.ny.gov/purchase/biddocument/23017Bid.asp>
- Questions are due:
  - ✓ April 10 (Next Wednesday)
- When the bids are due:
  - ✓ May 7, 2019 at 11:00 AM ET



# Questions?