

**REQUEST FOR QUALIFICATIONS  
AND  
SOLICITATION OF INTEREST  
("RFQ/SOI")**

**Implementing the 2022 Hardyston Landfill Redevelopment Plan  
"SOLAR PHOTOVOLTAIC PROJECT-GROUND INSTALLATION"**

**THE TOWNSHIP OF HARDYSTON  
STATE ROUTE 94  
{Two Separate Parcels}  
BLOCK 63, LOT 1.01 (A portion of.)  
BLOCK 75, LOT 55  
MUNICIPALLY OWNED PROPERTY  
HARDYSTON, NEW JERSEY**

**ISSUE DATE: February 27, 2023  
RESPONSE DUE DATE:  
April 14, 2023**

**Issued by:  
THE TOWNSHIP OF  
HARDYSTON  
Carrine Piccolo-Kaufer  
Township Manager  
Hardyston Township Municipal Building  
149 Wheatsworth Road  
Hamburg, NJ  
07419**

**Respond to the Township of Hardyston:  
Attention: Jane Bakalarcyck, R.M.C. Township Clerk,  
Hardyston Township Municipal Building  
149 Wheatsworth Road  
Hamburg, NJ 07419  
on or before 2:00 p.m. on April 14, 2023.**

THE TOWNSHIP OF HARDYSTON

Township Manager  
Carrine Piccolo-Kaufer

Redevelopment Consultants/Financial Advisors  
Benecke Economics  
Riverdale, New Jersey  
Chelsea Gleis, P.P.  
Robert Benecke

Township Legal Counsel  
Fred Samrau, Esq.  
714 Main Street  
PO Box 228  
Boonton, NJ  
07005

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**on or before 2:00 p.m. on April 14, 2023.**

February 27, 2023

## **GLOSSARY**

The following terms that are used herein shall have the meaning assigned to such terms below.

“Agreement”, or “Redevelopment Agreement” means any contractual arrangement entered into between a Qualified Respondent and the Township with respect to all or a portion of the Project. The Agreement will be implemented as a Lease Agreement and a Redevelopment Agreement.

“Authorized Representative” means the individual(s) specified in writing by a Respondent to be the representative(s) of the Respondent for all purposes of the RFQ/SOI.

“Hardyston Project, or the Project” shall be as described in Section 1.1 hereof.

“Township” or “Hardyston” means the Township of Hardyston in the County of Sussex, State of New Jersey.

“County” means Sussex County, New Jersey.

“Day” means a calendar day of twenty-four hours measured from midnight to the next midnight.

“Designated Contact Person” means, Robert Benecke, Township Redevelopment and Financial Consultant.

“Issuer” means, the Township of Hardyston.

“Qualifications Criteria” means the qualifications criteria described in Sections 3 and 4 hereof.

“Ordinance” means Township of Hardyston Ordinance Number 2022-12, Adopting the 2022 Hardyston Vacant Land and Landfill Redevelopment Plan.

“Project” shall be as described in Section 1.1 hereof. Block 63, Lot 1.01 and Block 75, Lot 55 are the “Project Parcels”.

“Project Team” means the Township’s officials, consultants and others responsible for the issuance and evaluation of this RFQ/SOI and the Responses.

“Proposed Repurposing or Development Plan” shall be as described in Section 3.3.6 hereof.

“Qualified Respondent” means a Respondent which, in the sole discretion of the issuer,

meets the requirements of this RFQ/SOI.

“Redevelopment Area” means the potential project site located in the Township of Hardyston and known as the “2022 Hardyston Vacant Land and Landfill Redevelopment Plan” adopted by Ordinance Number 2022-12 of the Township Council on December 14, 2022. A copy of the Ordinance is attached as Exhibit 1. The text and terms of the Ordinance are an integral part of this RFQ/SOI.

“Redevelopment Law” means the Local Redevelopment and Housing Law, codified at N.J.S.A. 40A:12A-1 et seq.

“Respondent” means an entity or individual who submits a Response. The Respondent **shall** include the following information to be considered a Qualified Respondent.

- 1-Year founded and number of years in business.
- 2-Ownership status (public or private company, LLC, LLP, S-Corp, Sole Proprietor, etc.)
- 3-Federal Tax Identification Number
- 4-Corporate & Local Office location
- 5-Number of employees in corporate & local office at time of submittal/Response.

“Response” means a submission to the Township prepared in accordance with Section 3 hereof.

“RFQ/SOI” means this Request for Qualifications and Solicitation of Interest.

“State” means the State of New Jersey.

**SECTION 1**  
**INTRODUCTION AND GENERAL INFORMATION**

1.1 Background Request for Qualification and Solicitation of Interest (RFQ/SOI) with Pricing.

The Township of Hardyston, Sussex County, New Jersey has a population of approximately 8,213 according to the 2010 Census in its approximate 32.65 square miles. It lies generally along the State Route 94 corridor with State Route 23 also running through the Township. Hardyston is located in the east-central portion of Sussex County, New Jersey-bordered by the municipalities of Franklin, Hamburg, Lafayette, Ogdensburg, Sparta, Vernon and Wantage, Sussex County; Jefferson Township, Morris County; and West Milford in Passaic County. Hardyston is a suburban community in a rural/suburban county, Sussex County.

This RFQ/SOI is being issued by the Township, through the Township Manager’s office pursuant to the Ordinance. The RFQ/SOI seeks **sealed** proposals from qualified Proposers for the long term lease of the subject premises to allow for the construction and installation of a Solar Photovoltaic (PV) System (“System”) (hereafter the “Project”) to be installed on two separate parcels.

1- The parcel at Block 75, Lot 33 is located in the Open Space Government Use zone (OSGU), the purpose of which, according to Hardyston Township code chapter §185-101 is to regulate the use of public open space and lands “to insure local protection of financial resources, environmental resources, water resources and rural character of Hardyston Township.”

2-The parcel at Block 63, Lot 1.01 is also located in the Open Space Government Use zone (OSGU) and previously was located in the Town Center Shopping District (TC-SCD) the purpose of which, according to Hardyston Township Code chapter §185-98, WAS to regulate and provide for a variety of retail uses in a shopping center context.

The Township of Hardyston, Sussex County, New Jersey			
Identification of Route 94 Parcel(s) to be included in the Redevelopment Plan. {This is a non-condemnation redevelopment area in need of redevelopment.}			
Block-Lot	Property Location	Acres	The property is tax exempt.
63, 1.01	3490 Route 94 Vacant Property	67	Township of Hardyston owned property.
75, 55	Near Lasinski Road	21	Township of Hardyston owned property.

The parcel at Block 63, Lot 1.01 has a restricted, no build area of approximately 26 acres located adjacent to Lot 1.02 as indicated on the attached State (Highlands) locator map. There shall be no building or solar installation or other land disturbance within 100 feet of the boundary of the Highlands restricted area. This means that the parcel at Lot 1.01 shall include a solar installation are of a maximum of 39 +/- acres. (Appropriate yard setbacks shall be included in any Proposal.)

The Redevelopment Plan area is situated along Route 94. The area lies within the designated Highlands planning area—except for the 26-acre portion of Lot 1.01 which shall remain untouched. Both parcels are now located and included in the OSGU as defined in the Township of Hardyston Zoning Ordinance as follows:

*The purpose of the Open Space/Government Use Zone is to establish a zone to regulate the use of public open space and lands. This will insure local protection of the financial resources, environmental resources, water resources and rural character of Hardyston Township.*

The Property at Lot 55 is also municipally owned, the former Hardyston landfill, the Property is also subject to the 2022 Hardyston Vacant Land and Landfill Redevelopment Plan, adopted by the Township Council on December 14, 2022. In addition to the Lease Agreement the Township and successful Respondent will enter into a Redevelopment Agreement for the Property. The redevelopment of the Property should include the closure of the landfill by the proposer.

The PV System will be ground mounted on the site which may include wetlands. It is the intent of this RFQ/SOI to have the construction of the System connected directly to the electrical grid and potentially connected to Township operated facilities and be interconnected, and net metered by the electricity provider, now JCP&L.

The successful Respondent's sole use and occupancy of the Property shall be for the installation/construction, operation and maintenance of a System that satisfies the requirements of the RFQ/SOI and the final lease and redevelopment documents. Respondents shall undertake all requisite reviews, permits and approval activities. The successful Respondents will be responsible for the complete engineering design as well as arranging for all construction related permits, inspections, reviews and approvals; satisfying all utility interconnection and net metering requirements and arranging for all governmental and utility applications/inspections and permits required for the Project.

Courtesy municipal Planning Board Site Plan approval is required. The successful Respondent will procure all labor, materials and components and comply with all commissioning requirements. Any additions or modification to the existing property including mechanical, electrical, plumbing, or other systems required by the System is the responsibility of the Successful Respondent. The Township intends to enter into a long-term [twenty-five (25) year] Lease Agreement with the successful Respondent to allow for the installation/construction of the solar electric power generated from the installation of said solar facility to be installed on the Property.

The Township will enter into the Lease Agreement, **subject to Township Council approval**, which shall include the annual payment to the Township for the use and occupancy of the Property. Additionally, if electrical power should be provided to Township facilities, such power shall be at a cost lower than the delivered cost of power available from the Local Load Servicing Entity ("LLSE") grid as determined in accordance with the New Jersey Board of Public Utilities ("BPU") Guidelines for Public Entity Energy Efficiency and Renewable Energy Cost Savings.

This RFQ/SOI is being issued pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("LRHL") and, if a Redevelopment Agreement and Lease Agreement is awarded, the award will be made to the responsible Respondent upon terms and conditions most advantageous to the Township that meets the requirements of the RFQ/SOI. Proposals shall be made consistent with Section 2 and Section 3 of this RFQ/SOI with documentation (written proposals) as specified herein and must be accompanied by a non-refundable deposit in the amount of \$250.

This RFQ/SOI is solely and exclusively intended to solicit detailed plans, including lease terms, from qualified Respondents with certain details relating to the environmentally sensitive and smart growth development of up to sixty (60) acres of the subject properties whereupon a private entity would construct or install the System as a public utility use ("Public Utility"). Public Utility is defined in the Township Code, specifically section § 185-4, "Definitions" and for the purpose(s) of the Property included in this Redevelopment Plan shall mean: *"Telephone or telegraph systems, plant or equipment, electric power plants, substations or equipment, microwave relay and transmission facilities, cable television, plant, water company wells, storage facilities and pumping equipment, gas transmission pumping stations, for public use or to provide services to the public, excluding actual transmission lines, and solar electricity installations."* This provision specifically added solar energy installations to be included in the Redevelopment Plan.

The Respondent implementing the Public Utility use would install the appropriate solar Photovoltaic Energy (PV) System or other energy modality or modalities. The intended repurposing of a significant portion of the pre-existing landfill will enable the ultimate closure of the landfill, the remediation of any contaminated lands upon the Property and generate energy in the form of electricity.

A community benefit component is envisioned to be installed on the Property which could include a dog run (not less than 10,000 square feet), electric vehicle ("EV") charging stations, botanical garden, and/or tree farm, all which could be situated on the subject Property.

The Township is issuing this RFQ/SOI, in part, in furtherance of those powers afforded to the Township under the State of New Jersey Redevelopment and Housing Law ("LRHL"), specifically, the Township Council may transfer or sell any municipal property pursuant to the pertinent provision of the LRHL, specifically, N.J.S.A. 40A:12A-8 g. "...lease or convey property or improvements to any other party pursuant to this section, without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease or conveyance is made in conjunction with a redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the contrary".

The Township is authorized, pursuant to Section 7 A. 2 and 3 to lease or convey the subject Township owned Property as well as any other portion of an adjacent property acquired by the Township, including any easement, necessary to provide access or parking within the redevelopment project area. The Township may also acquire by deed or lease any real property or easement necessary to effectuate the Redevelopment Plan including but not limited to providing parking resources and Project access.

## 1.2 RFQ/SOI Documents

### 1.2.1 Submission of Responses, Time and Place

Responses shall be submitted to the Township of Hardyston, Clerk as listed on the inside cover of this RFQ/SOI, on or before 2:00 p.m. on April 14, 2023.

Responses shall be enclosed in a sealed envelope, or other sealed package, marked with the name and address of the Respondent and directed to the Township Clerk.

One original and seven (7) copies of the Response shall be submitted and received BY HAND DELIVERY, CERTIFIED MAIL/RETURN RECEIPT REQUESTED OR OVERNIGHT MAIL on or prior to the above-referenced time. One of the copies shall be unbound. All copies shall be in the aforesaid sealed envelope or other sealed package.

NO COPIES OF RESPONSES SHALL BE SENT DIRECTLY TO ANY OTHER PERSON.

One copy of the Response must be clearly marked as the original and must contain the original documents.

Each Respondent should inspect its copy of the RFQ/SOI to ensure that a complete set of the documents are included. If a Respondent discovers that a copy of the RFQ/SOI is incomplete, it should immediately contact the Township's Redevelopment consultant. The Township will make appropriate and reasonable arrangements with the Respondent to provide any missing items. A Respondent must prepare their Response (Proposal) using a complete RFQ/SOI, including any addenda issued by the Township prior to the date established for submission of all Responses. The Township nor its agents including consultants shall be responsible for errors, omissions, incomplete submissions or misinterpretations resulting from the Respondent's use of an incomplete RFQ/SOI in preparing or submitting its Response.

1.3 Examination of Documents Familiarity with the Services Required to be Performed.

It is the responsibility of each Respondent before submitting a Response to (a) examine the RFQ/SOI thoroughly; (b) become familiar with and consider all federal, state and local laws, regulations, ordinances, permits, approvals and orders that may affect the cost, performance or furnishing of the Public Utility and other services; and (c) notify the Township of all conflicts, errors or discrepancies in the RFQ/SOI.

The submission of a Response will constitute a conclusive and binding representation by such Respondents that such Respondent has agreed to, and complied with, every requirement of this RFQ/SOI.

1.4 Pre-Submission Site Visit

An optional pre-submission site visit by all prospective Respondents shall be indicated to the Township of Hardyston as part of the proposal/response, to have taken place prior to the submission of any Proposal/Response. Respondents wishing to attend a Pre-Submission meeting must request a meeting and their attendance via email, to Robert Benecke, by no later than March 28, 2023, at 12:00 p.m.-noon- (rbenecke@beneckeeconomics.com).

Meetings, if any, will be scheduled at the Township's convenience.

All Respondents are required to review tax maps, wetlands and other maps available on-line or as included in the Redevelopment Plan. Entities submitting an RFQ/SOI package and intend to submit a response are encouraged to visit the site(s).

Please note that no additional information regarding this RFQ/SOI will be provided to Respondents during such site visits, or at any time subsequent to the release of the RFQ/SOI with the exception of maps or other land description(s).

1.5 Evaluation Process

The Township intends to evaluate all Responses in accordance with Section 4.1 hereof and may select Qualified Respondents or a single Respondent from among such Responses, however, the Township shall have and may exercise the discretion to reject all Responses.



## 1.6 Anticipated Project Schedule

The anticipated timeline-Project schedule is as follows:

February 27, 2023,	Issuance of RFQ/SOI
March 28, 2023,	Last date for respondents to request a meeting with the Township agent(s)-such a meeting is not required.
April 14, 2023,	Sealed responses are due to be delivered to the Township Clerk.
April 28, 2023,	Response virtual/phone/in-person conference(s) and review by the Township Manager. (May be virtual).
May 10, 2023,	Notification of Potential Qualified Respondent(s)
May 19, 2023,	Township Manager and governing body review.

The project timetable relating to authorization and/or implementation will be established at the conclusion of this step.

## 1.7 Conditions

By responding to the RFQ/SOI, the Respondent acknowledges and consents to the following conditions relative to the submission, review and consideration of its Response:

- The issuance of the RFQ/SOI is not intended and shall not be construed to commit the Township to execute any Agreement with any Qualified Respondents.
- The Township and its Agents, or “Issuers” reserve the exclusive rights set forth in Section 1.8 hereof.
- Neither the Issuers nor their staff, nor any of their consultants, will be liable for any claims or damages resulting from the solicitation or collection of Responses, nor will there be any reimbursement to Respondents for the cost of preparing the Response or for participating in the RFQ/SOI process.
- All Responses will become the property of the Township and will not be returned.
- Information of a confidential or proprietary nature will be kept confidential during and after the procurement process as permitted by law when such information is properly identified by the Respondents in accordance with Section 3.1.4 herein.
- All activities related to the provision of the services as contained herein shall be subject to compliance with all applicable federal, state and local laws, environmental regulations and/or other applicable requirements.

All documentation and information provided by the Township, its agents including Township consultants, in connection with the RFQ/SOI is believed to be accurate and correct, however, neither the agents nor the Township make any guarantee(s) as to the accuracy of the information provided. Respondents are instructed to notify the Township, in writing, of any information provided herein that it believes is not accurate or correct.

## 1.8 Rights of the Township

The Township reserves, holds, and may exercise, at its sole and exclusive discretion, the following rights and options with regard to the RFQ/SOI process:

- To reject, for any reason, any and all responses and components thereof and to eliminate any and all Respondents responding to the RFQ/SOI from further consideration in this process.
- To eliminate any Respondent who submits incomplete or inadequate responses or is not responsive to this RFQ/SOI.
- To reject all Responses and/or any non-responsive Response(s).
- To supplement, amend, or otherwise modify the RFQ/SOI.
- To waive any technical, or other, nonconformance of the Responses whether material or otherwise.
- To change or alter the schedule for any events called for in the RFQ/SOI.

**The Township may conduct investigations of any or all of the Respondents and their Responses as the Township or its agents including consultants deem necessary or convenient,** to clarify the information provided as part of the Response, including discussions with contact persons or prior clients, regulatory agencies and visits to the facilities or projects referenced in its Response, and to request additional information to support the information included in any Response.

- To decline to award any Agreement for any purpose.
- To abandon this RFQ/SOI process at the Townships' exclusive convenience at any time for any reason.
- To proceed with the Qualified Respondent that, in the Township's sole and exclusive judgment, best serves the interest of the Township.
- To facilitate the negotiation and execution of an Agreement with any other public body under applicable law.
- To designate or consult with another agency, group, consultant, individual, or public body to act at any time during the term of this RFQ/SOI process in its place or on its behalf.
- To award any Agreement subject to final adoption of all necessary authorizations.
- To interview all Respondents, or alternatively to decline to interview any or all Respondents.

## 1.9 Submission/Proposal Fee

Each Respondent submitting a Response is required to remit (together with such Response) a non-refundable Proposal Fee of \$250 in the form of a certified check made payable to the Township of Hardyston. Submissions will only be accepted from entities that have purchased this RFQ/SOI through payment of the Proposal fee.

## **SECTION 2 THE PROJECT**

### 2.1 The Township of Hardyston Repurposing Principles, Goals and Objectives

The following are the smart growth principles identified by the Township Council in guiding the development of the Area:

- Concentrate Public Utility in the form of solar power development (the System) and enable the reduction of environmental contamination at the former landfill, thereby preserving the abundant natural resources of the Township of Hardyston.
- Define a “signature” project (and look) for Hardyston.
- Generate community benefit opportunities as public spaces, including passive recreation opportunities.

The Township has determined the following to be the goals and objectives of the Hardyston project area to be accomplished through proposals received by the successful Respondent. The goals and objectives of the Project include improving the quality of life in Hardyston by having an improved public corridor along State Route 94 with adequate traffic circulation. Further:

1-Provide annual revenue to the Township by leasing Township owned property, a former landfill, a brownfield site, to a private company or developer to construct a direct or community solar project upon the property,

2-Provide greater access to clean power to the electric grid and potentially the Township’s facilities,

3-Provide a positive use of the closed landfill where environmental or other attributes make traditional, alternate land uses difficult.

4-Provide access to solar power for residents, businesses, institutions, and organizations through a community or direct connection solar project, including Sussex County Municipal Utilities Authority facilities.

- Another important objective of this Plan is the preservation of the rich history, economic development and environmental resources of the Township of Hardyston.
- Finally, but certainly not least significant, this Plan will help to reinforce many of the specific steps in the smart planning process. Among the specific planning items are providing clean energy opportunities and enabling the environmental remediation of the site.

### 2.2 Redevelopment Area

The Project Area includes the identified property that has been declared and designated as an area in need of redevelopment. The Township desires to create a project, or two projects, by incorporating the public land that needs investment/improvement. The following is a general map of the subject Property site. The Redevelopment Plan is attached hereto showing the parcel locations.

### 2.3 Access

The Redevelopment Area is serviced by the major roadways shown aforementioned map of the Hardyston Area.

#### 2.4 Prospective Land Uses

The Redevelopment Area is located within the OSGU Open Space Government Use District. The Township of Hardyston would like to repurpose the Project area and strengthen its character and the general economy, and any proposed plan shall consider the need for the appropriate land uses, including any direct community benefit and appropriate site circulation. The existing access points into (and from) the Property shall be used.

As part of its Response, Respondent shall submit general information relative to its desired future use of the Project Area. Respondents should include all or some of the following suggested uses:

- A solar energy transmission (and/or storage facility), Photovoltaic Energy (PV) system, or other energy modality or modalities.
- A community benefit component such as a dog run, a botanical garden, tree farm, electric vehicle (“EV”) charging stations and/or the direct provision of electricity to the Township’s facilities.

#### 2.5 Project Phasing

Respondent should indicate whether its proposed Project must be conducted in phases. If phasing is required, Respondent should provide a description of the phasing schedule.

#### 2.6 Site Characteristics

Any necessary connections or upgrades to the local utility systems will be the responsibility of the redeveloper.

#### 2.7 Environmental Conditions

Any and all Property may be subject to applicable environmental clean-up regulations. The Respondent/redeveloper will be responsible for environmental assessment. Remediation, if any, must be coordinated with the property owner, the Township. The Township of Hardyston owns this property and expects to retain ownership of any delineated wetlands area.

#### 2.8 Redevelopment Area Building Permit Process

The Respondent/redeveloper will be solely responsible for all construction, installation, building permits and other government approvals concerning the Project, including those associated with the connection and interconnection of the Public Utility service to the Redevelopment Area. The Township will implement the Redevelopment Plan consistent with an approved response including follow up documentation to any response to this RFQ/SOI.

2. Site Work and Maintenance Requirements

The successful Respondent shall be responsible for the design, permitting, construction, and maintenance of all site work, drainage, erosion controls, and landscaping associated with the system and lease area. The successful Respondent shall be responsible for performing vegetation management within the lease area. Respondents shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and lawn/grass/vegetation seed mixes.

**SECTION 3  
INSTRUCTIONS FOR PREPARATION AND  
SUBMISSION OF RESPONSES**

3.1 General Provisions

In addition to the information submission requirements listed below, the Respondent may submit supplemental information that it feels may be useful in evaluating its Response.

3.1.1 Questions/Clarifications Request

All communications, questions or clarifications pertaining to the RFQ/SOI should be directed, in writing, to the Township Redevelopment Consultant.

During the entire period provided for the preparation of Responses, the Township may issue addenda or amendments to the RFQ/SOI. These addenda will be numbered consecutively and will be distributed to each of the persons, or firms, who have requested in writing to receive a copy of the RFQ/SOI. These addenda will be issued by the Township and will constitute a part of the RFQ/SOI. Each Respondent may be required to acknowledge receipt of all addenda at the time of submission of the Response by submitting an executed acknowledgment. All responses to the RFQ/SOI shall be prepared with full consideration of the addenda issued prior to the Response submission date.

3.1.2 Cost of Presentation

Each Response and all information required to be submitted pursuant to the RFQ/SOI shall be prepared at the sole cost and expense of the Respondent. There shall be no claims whatsoever against the Township, its staff, or their agents including consultants for reimbursement for the payment of costs or expenses incurred in the preparation of the Response or other information required by the RFQ/SOI.

3.1.3 Disclosure of Information in Responses

If the Respondent chooses to include material of a proprietary nature in the Response, the Township will attempt to keep such material confidential to the extent permitted by applicable law. The Respondent must specifically identify each page of its Response that contains such information by properly marking the applicable pages.

Preferably, any sections which contain material of a proprietary nature shall be severable or removable from the Response to assist the Issuers in protecting this information. The Respondent also shall include the following notice in the introduction of the relevant Response:

*The data on pages \_\_\_\_\_ identified by \_\_\_\_\_ (symbol) and labeled "Proprietary Information", contain information that is a trade secret and/or which, if disclosed, would cause substantial injury to (Respondent's) competitive position. (Respondent) requests that such data be used only for the evaluation of the Response, and understands that disclosure will be limited only to the extent that the Issuers determine it proper or to the extent that the Township deem disclosure necessary according to law. If an Agreement is awarded to (Respondent), the Township will have the right to use or disclose the data as provided in the Agreement executed with the Respondent.*

To the extent permitted by law, the Township will use best efforts to prevent the unauthorized disclosure of this information in applying the proprietary standard to marked data. However, the Township does NOT assume any liability for any loss, damage, or injury that may result from any disclosure or use of market data or any disclosure of this or other information.

### Response Acceptance or Rejection

The Township reserves the right to (a) abandon this RFQ/SOI, application process, (b) reject any or all Responses and (c) waive any informality or non-conformance in the Response.

#### 3.1.4 Disposal of Responses

All Responses are the property of the Township and will not be returned. At the conclusion of the review process, the Township may dispose of any and all copies of Responses received in whatever manner they deem appropriate. However, prior to such disposal, the Township will use its best efforts to prevent the unauthorized disclosure of proprietary information, provided same is properly identified in accordance herein. In no event will the Township assume liability for any loss, damage or injury that may result from any disclosure or use of marked data.

### 3.2 Submission Requirements

All written Responses must be submitted complete with all requested information and are to be in conformance with the instructions set forth herein and as required by subsequent addenda, if and as applicable. The Response and all related information must be bound and must be signed and acknowledged by the Respondent in accordance with the directions herein.

**The Respondent shall clearly indicate the lease price, such as an annual lease payment to the Township of Hardyston, to be paid for the Property for a term of a minimum of twenty-five years, consistent with this RFQ/SOI.**

The Respondent is referred to the following sections hereof, which summarize the documents and information required to be submitted pursuant to this RFQ/SOI.

### 3.3 Form and Content of Response

#### 3.3.1 Response Organization

WRITTEN Responses submitted in response to the RFQ/SOI shall consist of the following:

Section I	Executive Summary, Letter of Intent, Acknowledgment of Addenda (pursuant to Section 3.2.3)
Section II	General Information (pursuant to Sections 3.2 and 3.3.3)
Section III	Financial Information (pursuant to Sections 3.2 and 3.3.4)
Section IV	Technical Information (pursuant to Section 3.3.5)
Section V	Proposed Development Plan (pursuant to Sections 2.20 and 3.6)
Section VI	Administrative Information (pursuant to Section 3.3.7)
Section VII	Supplemental Information (pursuant to Section 3.3.8)

#### 3.3.2 Executive Summary; Letter of Intent; Acknowledgment of Addenda

Section I of the Response shall contain the Respondent's Executive Summary, Letter of Intent and Acknowledgment of Addenda (on the Respondent's official letterhead). The Summary shall include a summary of the key points of the Response with attention to the proposed land uses and the proposed lease terms.

#### 3.3.3 General Information Submission Requirements

The Respondent shall submit a Project organization plan for this Project. The plan should describe, in narrative form and as an organization chart, the Respondent's proposed organizational structure for this Project. Section II of the Response shall contain the following information set forth in the following order:

1. The name, address and telephone number of the Respondent's primary business office. If the Respondent's primary business office is located outside of the State, give the address and telephone number of the New Jersey location, if any, which will be responsible for participating in this process and the project.
2. Identify the parent company and any subsidiary or affiliated companies of the Respondent, giving the name, address and telephone numbers of each such

company.

3. Project Team organizational chart including all key personnel and their proposed role. Provide general backgrounds (summary resumes-including pertinent licenses) of each key team member.
4. Does the Respondent intend to joint venture, partner or subcontract with any other company or firm or other entity in the submission of a Response?  
If yes, identify such joint venture, partner or subcontractor and provide for each the same information as required of the Respondent in paragraphs 1 and 2. Describe in narrative form the proposed contractual relationship and responsibilities, written or otherwise, of each of the firms or companies that will be participating.
5. In connection with 1, 2 and 3 above, provide:
  - a. A complete identification of all principals or officers of any entities, firms, arrangements, associates, joint ventures, partnerships, or involvements described above.
  - b. Provide complete identification of all principals holding ten percent (10%) or more of net equity and all officers of all firms or entities so named. CORPORATE DISCLOSURE STATEMENT. The Corporate Disclosure Statement must be completed and submitted within seven days of receipt of the proposal, if requested by the Township.
  - c. A complete list of all criminal charges, or civil environmental complaints, brought against any of those entities, firms or persons that have been involved in any way with Respondent as identified in the foregoing answers and the disposition of all such criminal charges.
  - d. AFFIRMATIVE ACTION REQUIREMENTS. In addition to all Respondents complying with the requirements of P.L. 1975, c.127 (Affirmative Action Requirements) (N.J.A.C. 17:27), the successful Proposer must submit to the Township within seven (7) days after receipt of intent to award contract by the Township any one of the following items: a. An existing federally approved or sanctioned affirmative action program, or b. A New Jersey Certificate of Employee Information Report Approval. If the Proposer cannot present a. or b. above, the Proposer is required to submit a completed Employees Information Report (AA302).
  - e. BUSINESS REGISTRATION REQUIREMENT. Pursuant to P.L. 2004, Chapter 57, all business organizations that do business with a local contracting agency are required to be registered with the State of New Jersey and provide proof of business registration as issued from the New Jersey Department of Treasury.
  - f. COMPLIANCE WITH LAWS, RULES, AND REGULATIONS. The



successful Respondent shall observe and comply with all Federal and State laws, rules and regulations, and local ordinances that affect those engaged or employed in the performance of the work described herein, the materials or equipment used, or the conduct of the work. Attention is directed to occupational health and safety regulations.

#### 3.3.4 Financial Information Submission Requirements

Section III of the Response shall contain the Respondent's financial information. Respondents shall provide a summary of the amount and source of investment capital anticipated to be available for the successful development of the Redevelopment Area.

Financing Plan: Respondents shall provide a description of how the proposed project will be financed. Identify any potential financial partners that will be involved in the project Project financing. Include the Respondent's capability-provide number of solar, PV systems that have been financed by you and/or your financing partner. Please provide most recent audited financial statements, annual reports, consolidated financials, and Form 10-K (if any). If available, provide similar materials for parent entities, significant affiliates and collaborators.

The Response shall also include a list of three (3) financial references, including a banking reference, noting the name, address and telephone number. Respondents shall provide audited financial statements for the general partner or controlling entity of the development team for the last three (3) years. In addition, Respondents shall provide evidence of its ability to secure builder's risk insurance and performance bonding capacity. The Township will require its Financial Advisor to review tax returns, bank statements, and other pertinent financial documents-if such are determined to be confidential, such documents may be reviewed in camera.

All Respondents shall provide positive proof of being capable of financing their proposed project.

#### 3.3.5 Technical and Project-Related Information Submission Requirements

Section IV of the Response shall contain Respondent's technical plan and related project experience. Respondents to the RFQ/SOI shall demonstrate their ability to undertake the Project by providing the technical qualifications of the Respondent, principal subcontractors, and individual team members. The Township reserves the right to conduct an independent investigation of the Respondent and its subcontractor technical qualifications by contacting project references, accessing public information, or contacting independent parties. Additional information may be requested during the evaluation of technical qualifications. At a minimum, the Respondent shall provide the following information to demonstrate its technical qualifications.

##### 3.3.5.1 Summary of Related Projects

The Respondent shall include a description of its current and prior projects.

This includes redevelopment and/or other development projects that include solar (PV) and public energy space components. The portfolio may include visual and descriptive information sufficient to judge the quality and use of the project. For each Project, Respondent shall provide the necessary technical information to the Township's agents, including consultants, to ascertain the ability to complete the proposed project.

Describe your firm's implementation of solar, PV, construction standards and other safety measures.

Briefly describe any current or pending projects being undertaken by all members of the Respondent's team. Identify the current and future workload of staff members being assigned to this project. Identify the location of any current project, and include a contact name, address, and telephone number for each current client. Provide the total number of megawatts of solar PV your firm has constructed.

### 3.3.5.2 Respondent's Project References

Include three (3) references for clients for whom the Respondent has provided similar projects, indicating whether the work was that of the Respondent and/or specific staff who will be assigned to the Project. Identify the client contact name, organization, type of work provided. Respondent shall indicate whether any of these clients were public entities. The Township reserves the right to contact clients for whom the Respondent has provided similar project that are not listed by the Respondent as a reference. The Respondent shall provide references for all completed and operating non-residential grid-connected PV Systems, with indications and preference towards details and experience with landfill or brownfield projects.

### 3.3.6 Proposed Development Plan

Section V of the Response shall contain Respondents proposed development plan for the Redevelopment Area. The proposed plan shall include details for proposed the Public Utility use as a solar distribution (and or storage) facility, as well as the required open space and other elements. The proposed plan which may include multiple or alternative System designs if applicable.

**Include the System size (kW DC) and Metering Type (Remote Net Metering, Community Distributed Solar, Onsite-Direct).** Include Preliminary Drawings for the proposed PV system that include (at a minimum): 1-system size (in kW DC and kW AC), 2-location of facilities (panels-modules (including tilt)) include interconnections (cabling issues such as easements, 3-location of inverters, and 4-any other site-specific information that will aid in overall evaluation.

Include expected system generation. Provide estimated annual production of the proposed solar project for years 1-25 inclusive of the degradation rate(s) if any. Include an overview of the proposed photovoltaic system, including brief descriptions of the main

components (at minimum the modules, inverters, racking system, and monitoring system) including manufacturer and warranty information.

In conjunction with the preparation of the proposed plan, Respondent shall prepare a written analysis of the proposed development program including proposed land uses, the estimated cost to develop the System, information on how the solar energy will be connected to the electric grid and connected to the Township of Hardyston Department of Public Works facility and any other potential end user and any other technical information deemed appropriate by the prospective Respondent. If energy storage is contemplated this should be detailed as well.

**Respondents shall clearly indicate the proposed annual lease amount payable monthly, for a minimum of twenty five years, subject to annual increases after the fourth full year of lease payments.** All lease price proposals will include a lease payment from the Respondent to the Township in the format of a price per acre and a total annual lease amount. An operations and maintenance plan shall be submitted. The successful Respondent shall be responsible for all operation and maintenance (O&M) services for the full term of the Lease Agreement. Describe the proposed O&M procedures for the system, detailing duties performed and if the contract will be maintained with the Respondent or a third-party provider. Insurance shall be required to the benefit of the Township including Builder's Risk, Worker's Compensation and Liability insurance.

### 3.3.7 Administrative Information Submission Requirements

Section VI of the Response shall include the following information in the following order:

1. The selected Respondent will be responsible for all necessary environmental testing, permitting, and compliance. All solar energy systems proposed under this RFP must conform to industry best practices to the extent possible, Respondents should identify the regulatory and permit conditions relevant to their proposals (for example, New Jersey Department of Environmental and the New Jersey Board of Public Utilities approvals).
2. Describe any significant pending legal and administrative proceedings (other than ordinary routine litigation incidental to Respondent's business) in which the Respondent, its officers, directors, employees or principals or any of its subsidiaries or parent(s), their officers, directors, employees or principals is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, and the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities. Administrative or judicial proceedings arising under any federal, State, or local laws or ordinances that have been enacted or adopted for purposes of environmental protection shall not be deemed "ordinary routine litigation incidental to the business" and shall be described.
3. Briefly describe any occasion in which Respondent, any officer or principal of

Respondent with a proprietary interest therein, has ever been disqualified, removed or otherwise prevented from bidding on, participating in, or completing a federal, State, or local governmental project because of a violation of law or a safety regulation.

4. Briefly describe any occasion in which Respondent has been in a position of default in a federal, State or local government project, such that payment proceedings and/or execution on a payment, performance or bid bond have been undertaken.
5. List all threatened and pending claims, litigation and judgments or settlements, government enforcement actions.
6. Has the Respondent or any of its officers refused to testify or waive immunity before any state or federal grand jury relating to any public construction project within the last ten years? If so, provide details.

#### 3.3.8 Supplemental Information to be Provided at Respondent's Option

The Respondent may include in Section VII any other information that it deems relevant or useful for the Township to consider in evaluating Respondent's Response.

Respondent should also include any concerns regarding this Project or any information or suggestions that the Respondent deems relevant to the Issuers. Some suggested topics for supplemental information include ownership issues, potential future land uses, potential additional properties to be included in the Project/Redevelopment Area.

## **SECTION 4 EVALUATION AND SELECTION PROCESS**

### 4.1 Evaluation Criteria

All Responses will first be evaluated to assure that they meet the requirements of the RFQ/SOI. The Response must include all submission requirements and must address all items in this request. The Township will consider the amount to be paid for Township property as the most important factor in the selection process. The financial strength of the Respondent will be considered the next most important factor, but only in conjunction with an adequate project plan.

Responses meeting the requirements will then be evaluated based upon the following criteria:

- Understanding of the Project's goals, nature and scope.
- Experience with past projects.
- Firm and staff experience and qualifications.
- Firm and staff experience with similar projects.
- Project references.
- Firm financial strength and available capital, as solely determined by the Township.
- Innovativeness of the development concept(s) and plan(s).
- Competency and technical thoroughness evidenced in the development concept(s) and plan(s).
- The amount of the annual lease payment paid by the Respondent to the Township over the

lease term.

Upon taking into account these and other relevant factors the Township of Hardyston will use the financial benefits derived by, or accruing to, the Township to proceed with a project. The Township reserves the right to explore a project with more than one Respondent.

Issued By:

Carrine Piccolo-Kaufer  
Township Manager  
February 27, 2023

Prepared By:

[Benecke Economics](#)  
Redevelopment Consultants and Advisers to the Township