
REQUEST FOR PROPOSALS

Photovoltaic Energy 2016

RFP MAJ 16-MJ0070

Questions and Responses #2

OWNER:

Trustees of the California State University
California Polytechnic State University
Facilities Planning & Capital Projects
San Luis Obispo, CA 93407

PROJECT ADMINISTRATOR:

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Facilities Planning & Capital Projects
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DATE:

September 6, 2016

PROPOSAL DUE DATE:

September 14, 2016 Before 3:00 p.m.

The following information is provided for the convenience of the proposers, and is not a part of the Addenda.

2-1 Question:

Regarding the DVBE requirement: am I understanding correctly that we do not submit any of the documentation requirements until after the Proposal is due and between design phase ending and construction phase beginning?

Response:

DVBE documentation should be submitted as soon as selected.

Ref.

Questions and Responses #1, Item 1-49.

2-2 Question:

License. Please consider replacing the License with a Lease to improve the probability of financing. A Lease is a recordable real property eligible for title insurance.

Response:

The Trustees prefer a license as included in the SLPPA.

2-3 Question:

Assignment. PolyTech rights (in 12.5) to prohibit assignment to Lendor may make financing difficult. We recommend that the contract permit free assignability to large financial institutions and to affiliates.

Response:

The provisions in SLPPA Article 12 specifically allow assignment for financing and, in addition, provide three specific assignments that are not subject to the Trustee's approval.

Ref.
Appendix 3, Sample Solar License and Power Purchase Agreement (SLPPA), Article 12 System Financing and Assignment.

2-4 Question:
Environmental/Hazardous conditions. Regarding broad indemnification language, we can only take responsibility for what's specifically disclosed to us or visually verifiable. Any undisclosed subsurface problems are Cal Poly's to resolve.

Response:
Naturally occurring asbestos has been known to occur in certain types of serpentine rock formations and though the campus has never discovered any such formation the potential exists. The Proposers will need to make sure that the soils analysis undertaken tests for that potential and if found the Proposer will need to adjust grading practices to mitigate for the possible release of fibers. The campus does not anticipate any other hazardous materials within the project site.

Ref.
RFP Section 2.20 Indemnification.

2-5 Question:
Guaranteed Production. Guaranty to be based on rolling 3-year annual average with credit for any prior excess production.

Response:
The provisions in SLPPA Article 9 are cumulative and the formulas in Article 9.3 credit excess production in prior years. See also Questions and Response #1, Item 1-5.

Ref.
Appendix 3, Sample Solar License and Power Purchase Agreement (SLPPA), Article 9 Licensee's Performance Obligations.

2-6 Question:
GEP Damages. Use the current avoided energy rate and escalate at a fixed percentage per year.

Response:
The prices in the table in Article 9.3 of the SLPPA cannot be altered and are less than the avoided cost of energy.

Ref.
Appendix 3, Sample Solar License and Power Purchase Agreement (SLPPA), Article 9.3 Guaranteed Electricity Production Failure.

2-7 Question:
Expected Production – Buyer's purchase obligation to be "all output."

Response:
Refer to Questions and Responses #1, Item 1-4.

2-8 Question:
Utility Interconnection – CalPoly to be responsible for unknown PG&E costs.

Response:
Refer to Addendum #2, Item 2-3, and Questions and Responses #1, Item 1-14.

2-9 Question:
Please indicate the date upon which Cal Poly plans to make the CEQA Document Filing Submission, which triggers the 30 day Public Review process which limits the start of any mobilization or construction activity.

Response:
The Mitigated Negative Declaration has completed the public review process and the Notice of Determination will be filed within the next few weeks.

2-10 Question:
Does Cal Poly have any reason to believe that “artifacts, human remains or other cultural resources” are likely to exist in the sub surface conditions of the allocated site?

Response:
Cal Poly does not have reason to believe that artifacts, human remains or other cultural resources will be discovered and CR-1 of the Mitigation Monitoring and Reporting Plan is a standard mitigation Cal Poly includes in most of its environmental documents.

Ref.
Appendix 11, Attachment 1, Mitigation Monitoring and Reporting Program (Addendum #2).

2-11 Question:
Please confirm that it is not Cal Poly’s intent to require that all metal parts that make up the Solar PV Generating System are required to be “darkened by painting, powder-coating, anodizing, acid etching or other methods to reduce reflectivity and visually recede. Elements shall be darkened to near black or dark grey”.

Response:
Refer to Questions and Responses #1, Item 1-37.

2-12 Question:
If the following directive is the actual intent of the university, please provide a map indicating the affected area. “ a. Within the areas supporting Cambria morning-glory, the top six inches of soil to be disturbed during construction shall be scraped and stockpiled onsite, consistent with the erosion and sedimentation control plan for the project. b. The stockpiled top soil shall be reapplied proximate to the site, within the identified conservation”

Response:
Figure 2 of the Biological Resources Survey Report (page 523 of the RFP) shows the area supporting the Cambria Morning Glory.

Ref.
Appendix 11, Initial Study for the Gold Tree Solar Facility, Appendix C Biological Resources Survey Report, Figure 2 Biological Resources.

2-13 Question:
The University has indicated that the “nesting season” for the allocated site occurs between September 1st to February 14th and that any vegetation removal shall be scheduled to occur outside the nesting season. This means that the earliest mobilization and construction can start will be February 15th and if it starts later, vegetation removal must be complete by August 31st. Is this the University’s intent?

Response:

This is not what mitigation measure BR-19 states. BR-19 states that construction activity shall occur, if possible, between September 1st and February 14th in order to avoid birds that may be nesting in the area. Once vegetation removal has been completed BR-19 and BR-20 of the Mitigation Monitoring Plan do not apply.

Ref.

Appendix 11, Attachment 1, Mitigation Monitoring and Reporting Program (Addendum #2).

2-14 Question:

Please confirm that the University will provide a biologist on site to remove and relocate any species required so as not to delay construction activity.

Response:

The University will retain the services of a biologist.

Ref.

Questions and Responses #1, Item 1-18, Questions and Responses #2, Item 2-25.

2-15 Question:

RFP section 2.24 states that the successful Proposer will secure TWO bonds, both for 100% of project value. This causes excessive cost increases to the project. Would Cal Poly consider accepting one bond for 100% of project value to guarantee faithful performance of Contract, and a second bond for 100% of project labor costs to secure payment of laborers, mechanics, and materialmen?

Response:

No. See also Questions and Responses #1, Item 1-59.

2-16 Question:

Is it possible to traverse 12kV PG&E easement in regards to fencing, roadways, and/or trenching?

Response:

Yes. There are existing roadways that cross under the existing overhead PG&E 12kV line. Any new encroachment within or on the PG&E easement must be approved by PG&E in advance. The minimum clearance to be maintained during construction shall be identified by the Developer and all hazards shall be identified and marked. The minimum clearance required for all temporary and permanent improvements will be established by the Developer with PG&E. The Developer shall pay for any improvements to the line that may be required to replace poles or otherwise increase the line to ground clearance. Minimum clearances stipulated in ANSI C2 shall be maintained at all times.

2-17 Question:

Is there a kmz available showing the location of the Blochman's dudleya population to guide placement of the temporary fencing for the Environmental Sensitive Area?

Response:

Figure 2 of the Biological Resources Survey Report (page 523 of the RFP) shows the area supporting the Blochman's dudleya.

Ref.

Appendix 11, Initial Study for the Gold Tree Solar Facility, Appendix C Biological Resources Survey Report, Figure 2 Biological Resources.

2-18 Question:

How should the results of the preconstruction surveys for California red-legged frog and other wildlife species and nesting birds be reported? As part of the daily and/or weekly monitoring reports?

Response:

Cal Poly's certified biologist will conduct the preconstruction surveys and report any findings directly to the USFWS and University.

2-19 Question:

Is there a SWCA (2015) document for the Vegetative Screening Concept Plan (as is cited in the ISMND, but not listed in the Literature Cited)?

Response:

The date should have been 2016. Please see Figure 4 Vegetative Screening Plan on page 409 of the RFP.

Ref.

Appendix 11, Initial Study for the Gold Tree Solar Facility, Appendix A Visual Impact Assessment, Figure 4 Vegetative Screening Concept Plan.

2-20 Question:

Is the Vegetative Screening Concept Plan, Figure 4 of the SWCA (2016) Visual Impact Assessment, intended to be final or can this plan be modified?

Response:

Any changes to the area as outlined in Figure 4 on page 409 of the RFP must be approved by the University. However, in general that area must remain substantially the same as shown in Figure 4.

Ref.

Appendix 11, Initial Study for the Gold Tree Solar Facility, Appendix A Visual Impact Assessment, Figure 4 Vegetative Screening Concept Plan.

2-21 Question:

Is the Compensatory Mitigation Area intended to be the remaining approximately 20 acres within the project parcel, or some other nearby location? About one-half of this area is proposed as the vegetative screen planting of trees and shrubs, Figure 4 of the SWCA Visual Impact Assessment.

Response:

In addition to the area outlined in Figure 4 the University will designate a nearby location to the area for compensatory mitigation.

Ref.

Appendix 11, Initial Study for the Gold Tree Solar Facility, Appendix A Visual Impact Assessment, Figure 4 Vegetative Screening Concept Plan.

2-22 Question:

Has a formal consultation been done for California red-legged frog?

Response:

As noted in Initial Study Section IV Biological Resources, the University has assumed presence of California red-legged frog within the project site: "the presence of California red-legged frog within

upland grassland should be inferred since there are numerous occurrences of this species on Camp San Luis property near Chorro Creek (approximately 1.7 miles northwest of the project site) and there is a known occurrence of this species near Shepard and Smith Reservoirs located approximately 1.3 miles southeast of the project site". As such, the Initial Study assumes that this species may be directly or indirectly impacted by the project, and mitigation measures typically required by the U.S. Fish and Wildlife Service are identified (refer to BR-1, BR-2, BR-4 through BR-17, and BR-22 through BR-25). Several of these measures include and require approvals from the U.S. Fish and Wildlife Service. Therefore, no additional mitigation measures or clarifications to the information presented in the Initial Study are required.

Ref.

Appendix 11, Initial Study for the Gold Tree Solar Facility, Section IV Biological Resources; Appendix 11, Attachment 1, Mitigation Monitoring and Reporting Program (Addendum #2).

2-23 Question:

Will a fixed tilt system be considered if it offers greater saving to Cal Poly?

Response:

Refer to Questions and Responses #1, Item 1-24 and Item 1-28.

2-24 Question:

Can additional land be added to accommodate a larger tracking system?

Response:

No. See also Questions and Responses #1, Item 1-19.

2-25 Question:

The visual impact study requires that a Biologist and a Chumash representative be present during construction. Is the responsibility and/or the cost associated with these requirements upon the Proposers, or will Cal Poly provide these services?

Response:

The University will retain the services of a biologist and Native American representative.

Ref.

Questions and Responses #1, Item 1-18, Questions and Responses #2, Item 2-14.

2-26 Question:

Can a proposer meet the performance and payment bond requirement through using a subcontractor's bond?

Response:

No, the bonds must be secured by the firm whose license is being used for the construction.

2-27 Question:

Would Cal Poly consider a placeholder for interconnection costs and potential upgrades as no developer will be able to project the exact costs until later in the PG&E interconnection process?

Response:

Refer to Addendum #2, Item 2-3, and Questions and Responses #1, Item 1-14.

2-28 Question:
As the agency for CEQA, would Cal Poly consider providing a placeholder for CEQA costs to reduce the range of CEQA costs represented across the bidders?

Response:

The costs that are the responsibility of the Proposers are those costs in the Mitigation Monitoring Program attributable to the construction portion of the project. The University has already committed to covering the cost of the biologist, archaeologist, and Native American representative.

2-29 Question:
Soils need to be investigated. Can Poly provide a geotech report for the Goldtree substation site?

Response:

The University has not completed a geotechnical report for this site.

Ref.

Questions and Responses #1, Item 1-15.

2-30 Question:
Can Cal Poly share the PG&E Rule 21 Interconnection application package and share details with the bidders as to the current stage of the interconnection process? Did Cal Poly request and receive any feedback regarding required upgrades?

Response:

Refer to Questions and Responses #1, Item 1-12. Cal Poly is initiating a Detailed System Impact Study using the Independent Study Process.

2-31 Question:
Can Cal Poly provide a topography report in AutoCAD format (.dwg)?

Response:

A .dwg file can be found at the following link:

https://afd.calpoly.edu/facilities/docs/post/2016-09-02_campus_topo_cp486pce/

2-32 Question:
Will Cal Poly accept a letter of credit or cash collateral in lieu of a payment and performance bond? If yes, how would Cal Poly require the bidder to provide proof of these commitments?

Response:

No, during construction Payment and Performance Bonds must be provided (SLPPA Article 8.10). During removal of the system a cash escrow account could be substituted for the required Performance Bond subject to Trustee approval (SLPPA Article 13.2).

Ref.

Appendix 3, Sample Solar License and Power Purchase Agreement (SLPPA), Article 8.10 Contract Bonds; Article 13.2 Security for System Removal.

2-33 Question:

For the payment and performance bonds, Cal Poly requires bonding equivalent to 100% of the "total project value". Can Cal Poly please define "total project value"? Is this referring to the total capital cost of the project?

Response:

Refer to Questions and Responses #1, Item 1-59.

2-34 Question:

Can Cal Poly please provide the ALTA survey for the site completed 6-7 years ago?

Response:

Refer to Questions and Responses #1, Item 1-11.

2-35 Question:

Can Cal Poly provide further details on the comments/approval received recently on August 5th regarding the negative mitigation report in the CEQA process?

Response:

Please review the CEQA document included in the RFP as well as the updated information provided as part of Addendum #2.

Ref.

Appendix 11, Initial Study / Mitigated Negative Declaration for the Gold Tree Solar Facility; Addendum #2.

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