

# **REQUEST FOR PROPOSALS**

## **Leasing Fishers Island Waste Management District's Pickett Landfill for Solar Development**

Fishers Island Waste Management District  
2760 Whistler Ave # 22 Fishers Island, NY 06390

Issue Date: October 11, 2024

Proposals Due By: 49 days from issue

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## 1. Executive Summary

Fishers Island Waste Management District (FIWMD) seeks proposals from New York State based solar energy development companies (“Respondents”) to lease land at Pickett Landfill, Wilderness Road (tax id # 1000-12.-2-6.13) Fishers Island, Suffolk County, New York (“the Site”), pursuant to a Lease Agreement, a form of which is included with this RFP, and install, own, operate, and maintain thereon a solar photovoltaic energy system (“Solar Energy System” or “System”).

It is the desire of FIWMD to site a solar energy system for the benefit of FIWMD, the Fishers Island Community, and the environment. This Request for Proposals is being issued to allow FIWMD to evaluate options and determine the project and financial arrangements that best meet FIWMD’s interest. FIWMD notes that it is not seeking proposals to be an off-taker of a solar energy system. The goal of this RFP is to lease the Site for siting a Solar Energy System to provide a revenue stream to FIWMD in the form of lease payments and to provide other community benefits described below.

FIWMD will evaluate all proposals and reserves the right to select the proposal that provides the best economic solution. FIWMD has the right to accept any bid even if it does not provide the highest revenue to FIWMD. Proposals will be evaluated against other proposals received. In addition to other rights reserved herein, FIWMD reserves the right to cancel this RFP at its discretion and to the fullest extent permitted by law.

All Proposals prepared in response to this RFP are at the sole expense of the Respondent, and with the express understanding that there will be no claim, whatsoever, for reimbursement from FIWMD for the expenses of preparation. FIWMD shall not be liable for any expenses incurred by the Respondent in development of this proposal.

## 2. Background

Fishers Island Waste Management District (FIWMD) was created in 1952 as a special tax district of Southold Town. Fishers Island is a remote, rural community with no direct physical connection to Southold; instead, it looks towards mainland Connecticut for transportation and services via a 45-minute Ferry. The island is home to approximately 250 year-round and over 2,500 seasonal residents. It is estimated there are 600 plus households on the island.

FIWMD operates two facilities on Fishers Island – a transfer station for household trash and recycling and a compost station for other divertible materials and organics. It also owns, maintains, and monitors a decommissioned landfill that was capped in 2005 and is subject to a post-closure monitoring and maintenance plan with a 30-year testing requirement (2005-2035).

A five-member Board of Commissioners, elected by the registered voters on Fishers Island, governs solid waste management activities, including the establishment of waste hauling and disposal contracts, user fees, and the implementation of FIWMD’s programs and policies.

FIWMD’s three-fold mission is fiscal responsibility to the taxpayers, safe operations for staff and patrons, and mindfulness of the fragile nature of our small island environment. FIWMD is interested in leasing FIWMD land for solar development with the following goals:

1. Increase revenue for FIWMD through a land lease
2. Purposefully utilize otherwise unusable special tax district property
3. Position Fishers Island as a leader in environmental sustainability, poised to help meet the NYS 2040 Zero Emissions Target
4. Seek opportunities for community and environmental benefit. Collaborations with local educational and environmental stakeholders like the FI School, the HLF Museum, and the FI

Conservancy are encouraged. Possible initiatives could include renewable energy education and combatting invasives/promoting native grasslands and habitat where appropriate in the areas adjacent to the solar array on the Landfill parcel.

### **3. Project Scope**

#### **Project Description**

FIWMD is interested in leasing all or a portion of the site as described in Appendix 1. The lease will be structured initially to include a Development Period effective from the date of the lease and for two years with options to extend the Development Period for up to two additional six-month periods. The initial lease term will be twenty years commencing on the effective date of written notification by Tenant to Landlord of the start of the Operations Period Commencement Date, with two successive five-year options to renew, and then a Decommissioning Period of up to 180 days. FIWMD is willing to consider alternative lease durations and conditions as part of the proposal evaluation process set forth herein. FIWMD will not be an off-taker of the electricity generated at the Site.

The selected Respondent will own the System and will be responsible for the design, engineering, permitting, installation, testing, operation, maintenance, repair, vegetation management, and decommissioning of the System, including, without limitation, procurement of the solar photovoltaic equipment and related services. The successful Respondent will be solely responsible for owning, insuring, commissioning, interconnection, metering, and for providing security for the system at all times. The successful Respondent shall be responsible for all project costs including, but not limited to: the furnishing of all materials, services, labor, performance and payment bonds, insurance, and other costs incurred in the preparation of this response and the performance of the contract, signed by an individual authorized to bind the Respondents contractually.

On termination of the lease, the successful Respondent will be responsible for performing, and paying for the removal of all panels, racks, concrete blocks, and conduits, and returning the portion of the property on which the System was installed to its original conditions as mutually agreed upon.

#### **Site Description**

The site is described in Appendix 1 of this RFP.

Before submitting a proposal, each Respondent shall familiarize themselves with the site as necessary to develop a proposal to undertake the Project in accordance with the terms and conditions of this RFP. The selected Respondent will be responsible for conducting any additional studies it may require, at its own cost and risk, prior to entering the lease agreement and/or in conjunction with the development of the Project. FIWMD intends to lease the FIWMD land on an "as is" basis.

#### **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 seed mixes.

Landfills are overseen by DEC's Division of Materials Management. As the proposed solar project will alter and impact the landfill cap, the Respondent is required to submit modifications to the Post-Closure Care Manual that is part of the Closure Plan. The requirements are intended to address concerns regarding the protection and maintenance of the Final Cover ("cap") and the protection of the landfill gas systems. The modification submission shall cover aspects including soil, slope, sediment, erosion, vegetation, drainage, etc. The submitted work plan shall contain descriptions of the planned uses and project plans to demonstrate the disturbance will not increase the potential threat to human health or the environment via construction method, equipment placement, and monitoring systems and plans<sup>1</sup>.

The successful Respondent shall be responsible for the installation and maintenance of site specific safety and security requirements or other measures as are required to comply with all necessary permits and approvals.

### **Community Engagement**

The successful Respondents will play an integral role in public outreach and educational events coordinated for community members. An outreach plan will raise community awareness and provide a platform for education. Creative approaches are encouraged.

### **New York Based Business and Use of Local Business**

Only New York State based companies are eligible to respond to this RFP. Where possible, it is in the Respondent's best interest to prefer subcontracting with local businesses, recruiting from the local labor force, and providing educational and other benefits to the community, including Fishers Island School students. FIWMD also encourages all Respondents to include minority and small business participation, including those owned by women, veterans, and disadvantaged individuals. Respondents should include goals for local employment, including for both the construction and operation periods of the project, providing a brief description of the number and types of jobs expected to be created on Fishers Island.

### **Award**

Based upon the results of the evaluation of the proposals and interview process (if applicable), a recommendation will be developed and submitted for approval by the FIWMD Board of Commissioners.

All Respondents shall review the Lease Agreement that accompanies this RFP. Should a Respondent question any of the terms and conditions contained in this Lease Agreement, it must submit a written attachment to their proposal specifically identifying its objection, setting forth its reasoning for the objection, and proposing an alternative solution addressing the objection. Respondents must include a brief discussion of the purpose and impact, if any, of each proposed revision. Acceptance of any proposed revision is at FIWMD's sole discretion. In no event will general references to the Respondent's terms and conditions or attempts at complete substitutions be considered. All objections will be reviewed as part of the evaluation process.

If FIWMD and the most qualified Respondent are unable, within 60 days following FIWMD's notice of commencement of negotiations with a Respondent (or such longer period of time as FIWMD may deem appropriate), to negotiate satisfactory Agreements with that Respondent at a price FIWMD determines to be fair, competitive, and reasonable, FIWMD shall negotiate with the next highest-rated Respondent. FIWMD reserves the right to waive any and all informalities and to award the proposal on the basis of the above procedures to the Respondent it deems most qualified or terminate the process at any time without making an award.

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<sup>1</sup> <https://www.dec.ny.gov/regulations/81768.html>

## 4. Timeline

EVENT	TARGET DATE
Issuance of Request for Proposal	Day 0
Informational Respondent Meeting and Site Visit	Day 14
Deadline for Submission of Questions	Day 21
FIWMD Issues Responses to Respondent Questions	Day 35
RFP Submission Deadline & Opening of Bids	Day 49

## 5. Submission of Questions

The Designated Contact Person during the RFP period is FIWMD manager Josh Theodore. All communication of any kind regarding this RFP during this period must be made via Josh Theodore. All questions and inquiries regarding this RFP must be submitted via email to Josh Theodore [opsmgrfiwmd@gmail.com](mailto:opsmgrfiwmd@gmail.com) no later than the question deadline. Questions submitted in writing must include the firm name and the name, title, address, telephone number, and email address of the individual submitting the question. Any questions regarding proposal requirements or specifications received after this date and time will not be considered for response.

Questions will not be answered directly. The Awarding Authority will issue an addendum to address the written questions submitted by the deadline. Any addenda will be posted by email/online at website [opsmgrfiwmd@gmail.com](mailto:opsmgrfiwmd@gmail.com)/[fiwmd.net](http://fiwmd.net).

## 6. Pre-Bid Meeting

FIWMD will hold a mandatory pre-bid meeting for all interested Respondents 14 days after issuance of the RFP at a location to be announced on Fishers Island, New York. This will include a site visit to Pickett Landfill. The purpose is for Respondents to familiarize themselves with existing conditions and project requirements. Respondents must confirm attendance by contacting Josh Theodore [opsmgrfiwmd@gmail.com](mailto:opsmgrfiwmd@gmail.com)/telephone 631 788 7455.

## 7. Submittal

Responses must be submitted in a sealed package to Fishers Island Waste Management c/o Josh Theodore 2760 Whistler Ave # 22 Fishers Island, NY 06390 by 3 pm, 49 days after issuance of the RFP and labeled as noted below. Within the package, the Respondent shall enclose a cover letter with the signature, name, and title of the person authorized to submit the proposal on behalf of the Respondent. The Respondent shall enclose three (3) hard copies and one (1) electronic version in a searchable text format (in Adobe Acrobat (pdf) format on a flash drive) of the proposal. The sealed outer package shall be marked with the Respondent's company name, and clearly marked in the lower left-hand corner:

“Response to Leasing Fishers Island Waste Management Land for Solar Development”

It is the Respondent's responsibility to see that its proposal is delivered within the time and at the place prescribed. The right is reserved, as the interest of FIWMD may require, to reject any or all proposals, to waive any technical defect or informality in proposals received, and to accept or reject any proposal or portion thereof. If there are any differences between the original hard copy and the electronic copy of the proposal, the material in the electronic copy will prevail.

## 8. Proposal Requirements

These instructions outline the format and content of the proposal and the approach to be used in its development and presentation. Only information essential to understanding and evaluating the proposal should be submitted.

## Table of Contents

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

### Section 1 – General Respondent Information

- **Transmittal Letter** - Each Respondent's response should include a transmittal letter signed by a party authorized to make a formal bid on behalf of the Respondent. The letter shall clearly indicate that the Respondent has carefully read all the provisions in the RFP. Transmittal letters should also acknowledge receipt and understanding of any Addenda associated with the project. Include the name, title, address, telephone number, e-mail address, and fax number of the individual FIWMD should contact concerning the Respondent's proposal.
- **Executive Summary** - Provide an overview of the proposal (not more than two pages) describing the highlights of the response and summarizing how your firm will meet the needs and goals of FIWMD.
- Executed **Certificate of Non-Collusion** in Appendix 3.

### Section 2 – Experience & Qualification

This section shall discuss the proposal's highlights, key features, and distinguishing points.

- Company Overview
  - Provide a document with the following company information.
    - Year founded and number of continuous years in business
    - Ownership status (public or private company, LLC, LLP, S-Corp, Sole Proprietor)
    - Federal Tax Identification Number
    - Corporate & Local Office location
    - Number of employees in corporate & local office at the time of submittal
    - Your firm's Experience Modification Rate (EMR) for each of the past three years and your firm's OSHA ratings (Recordable Incidence Rates and Lost Workday Incident Rates) for the past three years
    - A description of any ongoing or previous litigation your firm has been involved in and a statement that the Respondent is not debarred, suspended, or otherwise prohibited from practice by any federal, state, or local agency
- Project Team
  - Provide information about the key personnel to be assigned to this project.
    - Project Team organizational chart including all key personnel and their proposed roles
    - Provide resumes, in an appendix, for all key personnel that will be assigned to this project
    - Provide evidence of all relevant licenses held by your firm to do work in New York State; attach list and copies of documents as an appendix
- References
  - Provide references for completed and currently operating non-residential grid-connected PV systems, with preference towards New York municipalities and landfill or brownfield projects. Include the following information:
    - Location and Utility Company name
    - System size (kW DC)

- Metering Type (Remote Net Metering, Community Distributed Solar, Onsite)
  - Date completed
  - Host Customer and/or Owner contract information (name, email, address, phone)
- Project Development Experience
    - Provide the total number of megawatts of solar PV your firm has constructed over the last five (5) years.
    - Provide the total number of megawatts of solar PV your firm has constructed over the last five (5) years in New York.
    - Provide total number of megawatts and projects of solar PV your firm has constructed on landfills and brownfields.
    - Detail the types of customers your firm has worked with in the past (for example, residential, commercial, nonprofit, or government).
    - Describe your firm's implementation of PV construction standards and other safety measures.
    - Provide the number of operational PV systems under your firm's management.
  - Project Financing Capability
    - Provide the number of PV systems you and/or your financing partner have financed.
    - Provide the 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.

### **Section 3 – Proposal Narrative**

Provide a detailed plan of the proposed project. Project plans must include the following:

- Project Management Plan
  - Provide a detailed narrative description of the approach for installing the proposed project, including how the Respondent will work with subcontractors, municipal agencies, and other relevant stakeholders. Detail how the Respondent will approach special site considerations such as capped landfills.
  - Provide a detailed description of each task and delivery. Include a project schedule indicating key milestones and durations of various activities.
  - Respondents are responsible for all necessary zoning classification changes, environmental testing, permitting, and compliance. To the extent possible, Respondents should identify the regulatory and permit conditions relevant to their proposals, potential conflicts between the project and existing permit conditions, and variances that might be required.
- Financing Plan
  - Describe how the proposed project will be financed. Identify any potential financial partners that will be involved in the project. Describe possible sources of funds and revenue streams other than the sale of energy, including all available tax credits, incentives, and subsidies that will be used to finance the project.
- Operations and Maintenance Plan
  - The Respondent will be responsible for Operation & Maintenance (O&M) services for the full term of the 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.

- Decommissioning Plan
  - Provide information regarding the proposed approach to system decommissioning and property restoration. This decommissioning plan should describe the Respondent's approach to providing financial assurance that funding will be available to decommission the system at the end of the contract term.
  - The owner of the Facility, as provided for in its lease with the landowner, shall restore the property to its condition as it existed before the Facility was installed, pursuant to measures which may include the following:
    - Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations to a depth of 36 inches below the soil surface.
    - Removal of any solid and hazardous waste caused by the Facility in accordance with local, state and federal waste disposal regulations.
    - Removal of all graveled areas and access roads unless the landowner requests in writing for it to remain.
  
- Local Business Utilization Plan
  - Respondent shall submit a proposed local business utilization plan and must make a good faith effort to hire local business enterprises on the project. The utilization plan must demonstrate how this requirement will be met to the extent possible at this stage in the program.
  
- Outreach Plan
  - Respondent will provide a clear plan to best meet the goals and strategies specified in the **Project Scope** section for **Community Engagement**.

## **Section 4 –Technical Proposal**

All solar energy systems proposed under this RFP must conform to industry best practices. System Design and Components are not binding at the proposal stage, but this information will be used to evaluate Respondent proposals.

### **IMPORTANT note about Battery Energy Storage Systems (BESS):**

**As of the publication of this RFP, Southold Town continues to have a moratorium on BESS projects. A successful proposal must propose a BESS-free design; however, including an additional BESS option to account for likely changes in legislation is strongly encouraged.**

- Components: Include an overview of the proposed photovoltaic system, including brief descriptions of the main components (at minimum modules, inverters, racking system, and monitoring system) including manufacturer and warranty information. Respondents are encouraged to provide specification sheets for any proposed technologies as an appendix.
- Design: Include Preliminary Drawings for the proposed PV system that include (at a minimum):
  - System size (in kW DC and kW AC)
  - Location of modules (including tilt)
  - Location of inverters
  - Any other site-specific information that will aid in overall evaluation
- Expected System Generation
  - Provide estimated annual production of the proposed solar project for years 1-25 inclusive of the degradation rate.

## Section 5 – Price Proposal

Price proposals should be provided using the form in Appendix 3 of this RFP and shall be valid for a minimum of 180 days.

All price proposals will include a lease payment from the Respondent to FIWMD in the format of a price per MWac. The lease will be structured to include a two-year Development Period effective from the date of the lease with the option to extend for two additional six-month periods. The initial lease term will be twenty years commencing on the effective date of written notification by Tenant to Landlord of the start of the Operations Period Commencement Date, with two successive five-year options to renew, and then a Decommissioning Period of up to 180 days.

## 9. Evaluation Criteria

### Overview of Evaluation Process

FIWMD will utilize an evaluation system to rank the qualified Respondents. It is the responsibility of each Respondent to provide information, evidence or exhibits that clearly demonstrate the Respondent's ability to satisfactorily respond to project requirements and the factors listed in this RFP. The evaluation process may include verification of references, confirmation of financial information, and examination of other information as FIWMD deems appropriate. FIWMD will/may as it deems necessary conduct interviews to evaluate the Respondents. FIWMD may require public presentations by Respondents. FIWMD reserves the right to request or obtain additional information about any and all responses. Each response from a qualified Respondent will be evaluated and ranked solely according to the criteria set forth in this RFP.

FIWMD may cancel this RFP at any stage of the process if it determines that cancellation serves the best interests of the public. FIWMD may reject, in whole or in part, any and all planned or proposed project measures, when it determines that rejection serves the best interests of the public.

At a minimum, Respondents shall meet the following requirements:

1. Timely submission of response and attendance at the mandatory pre-bid meeting
2. Submission of all required elements found in Section 8 of this RFP
3. Certification of Non-Collusion (Appendix 3)
4. Evidence of appropriate insurance

The qualified Respondents providing completed responses will be evaluated based on the following factors:

**Price Proposal** - The Respondent should clearly identify the financial benefit to FIWMD of the proposed arrangement in the form of either annual lease payments, savings in current electric costs of FIWMD operations, or some other monetary benefit to FIWMD.

**Proposal Narrative** - The response shall include an explanation of how the Respondent will approach the various tasks, including scheduling methods, project schedule, construction, financing, measurement and verification, operations and maintenance, and decommissioning plans. The demonstrated ability to obtain financing for the construction of the solar energy system is critical to the Respondent's ability to complete the project. Respondents should provide in their responses a clear discussion of how they intend to finance the system and what financing partners will be involved in the project.

**Developer Experience & Project Team** - The extent of the Respondent's experience in designing, financing, constructing and operating solar energy facilities. Additional consideration will be given to firms with experience constructing and operating such facilities on municipal and commercial properties most similar to the proposed sites, particularly capped landfills. The relevant experience and quality of

project personnel and their commitment to the proposed project on Fishers Island. The clarity and organization of the proposed scope of work and approach will be included in the assessment of the project team.

**Technical Proposal** – The response will be evaluated on the preliminary system design that is provided and the selected equipment and corresponding warranties. The demonstrated ability of designing a system that will generate the highest production will provide greater benefit to FIWMD and the Fishers Island community.

## Appendix 1: Site Description

The property for the proposed solar field is an 18.53 acre parcel at Wilderness Road (tax id # 1000-12.-2-6.13) Fishers Island, Suffolk County, New York. Vehicular access is from Wilderness Road.

The lease area is a TBD portion of the 18.53 parcel that coincides with the capped landfill, which is a meadow-covered mound that slopes down to wetlands, and trees. At the northern edge of the mound there is a paved recreation path (2009 easement).

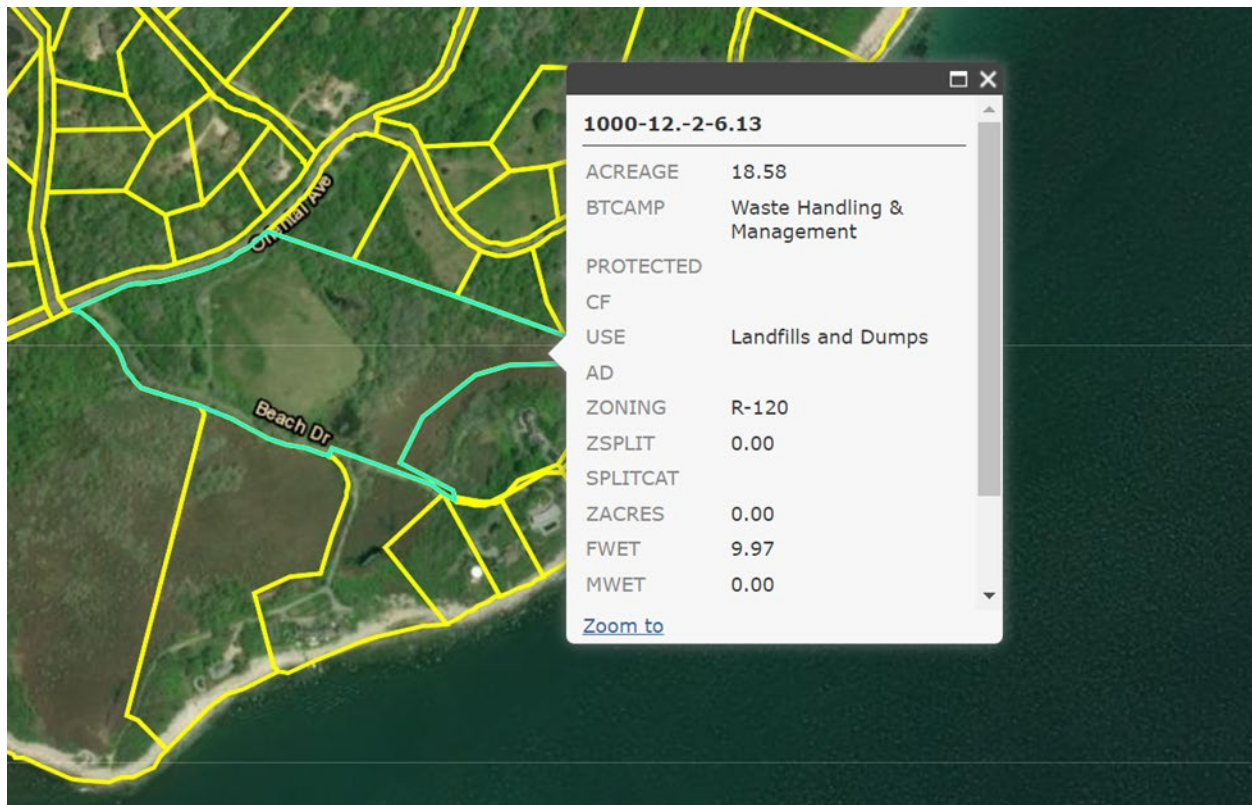
The Landfill Cap was completed in 2005. The work included site remediations, the creation of a mound from 20' to 36' covered with a non-permeable membrane and 2+ feet of clean soil, and the installation of methane vent pipes and monitoring wells. The site is owned, maintained, and monitored by FIWMD with a 30-year testing requirement (2005-2035).

Three-phase utility poles are spaced regularly along the East End Road and Wilderness Road property lines. It will be up to the applicant to determine the optimal pole for their proposed system. The local utility company is the privately owned Fishers Island Electric Company, whose business practices render the project ineligible for NYSERDA subsidies.

- NYSDEC Requirements for Closure and Post-Closure Care:  
<https://dec.ny.gov/regulatory/guidance-and-policy-documents/dee-8-closure-of-active-solid-waste-landfills-enforcement-policy>
- Final Closure Plan: digital file provided with RFP
- Post-Closure Monitoring and Maintenance Operations Manual: digital file provided with RFP

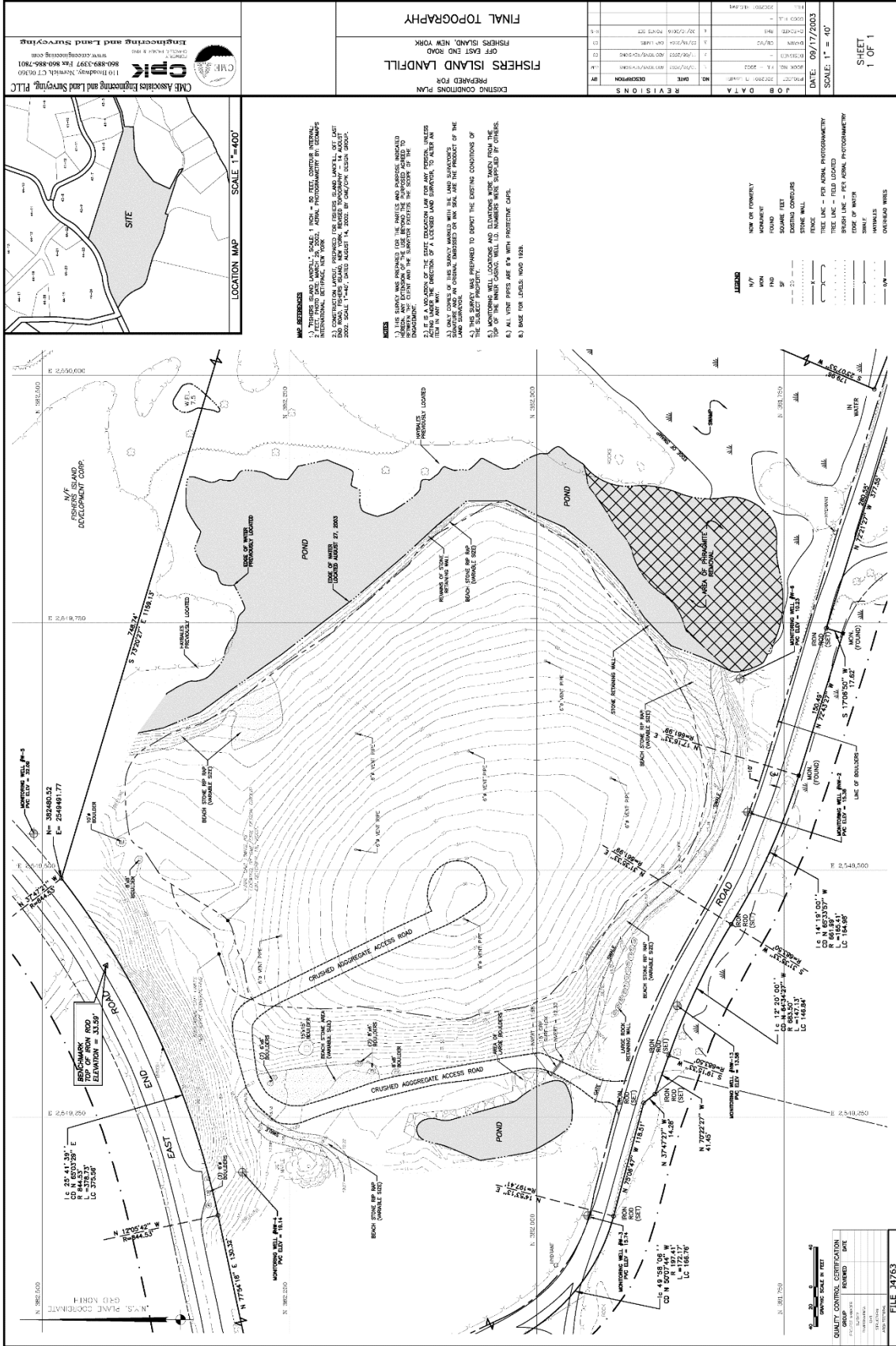
### PROPERTY DESCRIPTION

The 18.58 acre parcel located at Wilderness Road (Parcel ID: 12.-2-6.13), Southold, New York, as highlighted below.



LEASE AREA

The capped landfill portion of the 18.58 acre parcel. Exact dimensions to be determined by the Developer in the Development Phase in compliance with applicable governmental regulations and authorities.



## Appendix 2: Ground Lease Price Proposal

<b>PV System Size</b>	_____kW dc	<b>Annual System Degradation Factor</b>	_____%/year
<b>Operations Period Year 1 Estimated kWh Generation</b>	_____kWh		

The Respondent hereby agrees to pay FIWMD the following amounts for the lease area to construct and operate a solar energy system for 20 years pursuant to Section 8 of the proposed Ground Lease Agreement, which reads as follows:

Tenant agrees to pay Rent to the Landlord as follows:

- (a) **Development Period.** During the Development Period, subject to any Rent Abatement for Taxes / PILOT (as may be exercised by Tenant in accordance with Section 9(c), Tenant shall pay to Landlord the sum of US\$\_\_\_\_\_ per year, payable on the first day of the applicable quarter. The first full month's Quarter and rent for any partial quarter during the Development Period, if applicable, shall be paid within ten (10) business days of the Effective Date.
- (b) **Operations Period.** During the Operations Period, including any extensions thereof, subject to any Rent increase for Taxes/PILOT (as may be exercised by Tenant in accordance with Section 9(c), Tenant shall pay to Landlord the sum of US\$\_\_\_\_\_ per MWac per year, over Contract length (20 years) payable on the first day of the applicable quarter. The Rent shall increase at a rate of 1.5% per year during the Operations Period, including any extensions thereof.
- (c) **Decommissioning Period.** During the Decommissioning Period, subject to any Rent Increase for Taxes/PILOT (as may be exercised by Tenant in accordance with Section 9(c), Tenant shall be obligated to continue to pay Landlord Rent at the rate specified in 8(b).

<b>Development Period Lease Payments</b>	\$ _____ /year	<b>Annual Lease Escalator (none)</b>
<b>Operations Period Lease Payments</b>	\$ _____ /MW ac/yer	<b>Annual Lease Escalator (1.5%)</b>

Respondents shall understand that the submitted price proposals must include the scope of work and all deliverables as defined in the Lease Agreement and as specified in this RFP.

### Appendix 3: Certificate of Non-Collusion

The undersigned certifies, under penalties of perjury, that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity, or group of individuals.

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(Signature)

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(Name of person signing proposal)

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(Name of business)

**Appendix 4: Ground Lease**  
attached