

KENT COUNTY WATER AUTHORITY  
REQUEST FOR PROPOSAL TO PROVIDE  
RENEWABLE ENERGY CERTIFICATES (RECs)  
TO OFFSET 100% OF ELECTRICITY USE

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ARTICLE 1. GENERAL:

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**1.1 PROJECT DESCRIPTION**

The Kent County Water Authority (KCWA) is requesting proposals from qualified firms to provide Renewable Energy Certificates (RECs) to offset 100% of KCWA's approximate annual use of 3,500,000 kWh. KCWA has established its goal to be powered 100% renewable energy sources, particularly from newly developed renewable energy sources, while simultaneously providing the long-term benefits, both environmental and financial, to its ratepayers.

To effectively evaluate the greatest option for reaching KCWA's 100% renewable energy goal, and to do so in a manner that best reduces ratepayer costs, this RFP is being issued alongside KCWA's "Public-Private Renewable Energy Partnership" RFP. Respondents providing RECs only as part of this RFP, are not required to submit a response to the Public-Private Renewable Energy Partnership RFP. At the Respondents discretion, Respondents may respond to one or both RFPs and may cross reference responses if applicable.

***Respondents are not required to submit a response to the Public-Private Renewable Energy Partnership RFP in order to offer RECs under this RFP. These two RFPs are intentionally distinct, in order to allow KCWA to receive the greatest number of options to consider in meeting its 100% renewable energy goal.***

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ARTICLE 2. QUALIFICATIONS OF PROPOSERS:

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- 2.1 Proposers may be investigated by Kent County Water Authority to determine if they are qualified to perform the work. All Proposers shall be prepared to submit to Kent County Water Authority, upon request, written evidence of such information and data necessary to make this determination.
  
- 2.2 The investigation of a Proposer will seek to determine whether the organization is qualified, specifically having relevant prior experience, financial capacity and sufficient personnel in the disciplines required to assure Kent County Water Authority that they can complete the assignment ordered and provide the services required by the Kent County Water Authority within the required timelines. Organizations found to have a history of not completing work on time or meeting deadlines within defined timelines will not be considered.

- 2.3 Proposers ***must*** submit the following or shall be deemed incomplete and not considered:
- 2.3.1. A completed copy of the Kent County Water Authority Proposal Page (attached).
  - 2.3.2. Certification of Proposer (see Attachment A)
  - 2.3.3. Registration to do business in Rhode Island in accordance with R. I. General Laws (as amended) Sections 7-1.1-99, 7-1.1 105, 7-1.1-106 (Applies to out of State corporations.)
  - 2.3.4. A brief (5 pages or less) description of company history, experience, and qualifications with respect to REC purchase/selling.
  - 2.3.5. Evidence of the financial capability to procure and deliver RECs over the term of the contract being proposed. Proposer must provide details on if they will internally finance/source RECs or use a 3rd party.
  - 2.3.6. Resume(s) of the primary individual(s) responsible for fulfilling the requirements of this RFP.
  - 2.3.7. Disclosure statement detailing any potential conflicts of interest relating to the Kent County Water Authority and any and all previous or proposed clients.
  - 2.3.8. Any and all other specifically related qualifications as deemed necessary for review.
  - 2.3.9. A list of Kent County Water Authority resources and data that may be required from KCWA staff.
  - 2.3.10. KCWA Renewable Energy Certificate RFP Bid Set form. The form is included as an attachment to this RFP. Respondent(s) to this RFP may request editable versions of this form by emailing [jdash@cleaneconomydevelopment.com](mailto:jdash@cleaneconomydevelopment.com). It is solely up to the Respondent(s) to email and receive a response for access to this form.

The Kent County Water Authority reserves the right to reject any proposal based upon the Kent County Water Authority's determination that the Proposer has failed to demonstrate sufficient experience with sourcing and providing RECs.

The Kent County Water Authority reserves the right to modify the above qualifications.

- 2.4 In evaluating Proposals, Kent County Water Authority will consider the qualifications of only those Proposers whose Proposals follow the prescribed requirements and the Request for Proposal Invitation.
- 2.5 Kent County Water Authority reserves the right to reject any Proposal, or parts thereof, if the evidence submitted by, or the investigation of, such Proposer fails to satisfy Kent County Water Authority that such Proposer is properly qualified to carry out the obligations of the Request for Proposals and any and all assignments from the Kent County Water Authority.
- 2.6 No Proposer may be considered if they are indebted to the Kent County Water Authority for any unresolved issues regarding unpaid invoices issued by the Kent County Water Authority, or services and materials owed to the Kent County Water Authority
- 2.7 Each and every Proposer shall provide written evidence, at the time of the proposal submission and attached thereto, that they have or will acquire, prior to execution of the

work or letter of engagement to the Kent County Water Authority, general liability insurance for protection of any and all claims arising out of service to Kent County Water Authority in an amount not less than \$1,000,000 per claim or occurrence with an aggregate amount not less than \$2,000,000.

2.7.1. Cost of insurance shall be included in rates proposed to the Kent County Water Authority. Failure to provide written evidence will be grounds for rejection of Proposal.

2.8 **The Kent County Water Authority reserves the right to reject any proposal based upon the Proposer's prior history with the Kent County Water Authority or with any party, which documents, without limitation, unsatisfactory performance, adversarial or contentious demeanor, significant failure(s) to meet contract milestones or other contractual failures.**

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### ARTICLE 3. PROJECT QUALIFICATION AND DETAIL:

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3.1 KCWA is seeking Proposals from parties interested in providing firm unbundled RECs (SRECs are also acceptable) that qualify a Rhode Island Class I RECs. The RECs to be purchased/sold through this solicitation must meet the following minimum criteria:

3.1.1. RECs shall be generated from new Rhode Island eligible Class I renewable energy resources, that began commercial operation after December 31, 1997. While KCWA will accept RECs from new generators that began commercial operation after December 31, 1997, it is the strong preference (but not a requirement) that RECs are provided from projects who have yet to start commercial operation and is scheduled to achieve its commercial operation date on or after the publication of this RFP. It is the goal (but not an absolute requirement) of this RFP, and the resulting award, to be directly attributable to the financing, development and commercial operation of newly commercially operated renewable energy project(s).

3.1.2. Each REC shall demonstrate its process and eligibility for certification.

3.1.3. One (1) REC shall represent and include all RECs associated with one (1) MWh of energy generated by the renewable generating facility and delivered from the facility to the grid.

3.1.4. Each REC shall include all fuel, emissions, air quality, or other environmental characteristics, credits, benefits, reductions, offsets, and allowances resulting from the purchase, generation, or use of energy.

3.1.5. REC purchases are to be firm and not unit contingent.

3.1.6. RECs provided under this RFP shall be warranted by the seller to ensure the KCWA receives clear title and ownership to the RECs purchased and to ensure the environmental benefits contained in the RECs have not been double-claimed or double-sold. RECs shall become the unequivocal and sole property of KCWA.

3.1.7. RECs purchased for a given contract year must meet REC “vintage” requirements for that year.

3.1.8. Be consistent with any and all other applicable Rhode Island laws, rules, and regulations, including without limitation, any rules and regulations promulgated by the Rhode Island Public Utilities Commission.

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## ARTICLE 4. SCHEDULE:

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### **4.1** **GENERAL SCHEDULE**

#### **4.1.1**

<b><u>Event</u></b>	<b><u>Date</u></b>
a. RFP Release Date:	January 20, 2022
b. Deadline for Written Proposer Questions:	February 1, 2022
c. Response to Proposer Questions:	February 25, 2022
d. Proposal Due Date:	March 1, 2022

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## ARTICLE 5. PRICE, TERM AND AGREEMENT:

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### **5.1 Pricing**

Proposers shall provide prices in U.S. dollars (inclusive of all applicable charges and fees). Quotes shall be on a unit price basis with a quote provided for each of the periods indicated. Proposers shall indicate any additional discounts for volume and/or contract periods that are available and specify any alternative or flexible pricing structures offered.

Proposers shall complete and submit pricing utilizing the attached “Renewable Energy Certificate RFP Bid Set” form. Should the Proposer need to submit narrative detail to support its pricing form, Proposer may do so. Narrative description for pricing shall not exceed one (1) page.

### **5.2 Term**

KCWA seeks REC Agreements whose term will be commensurate with its Public Entity Net Metering Financing Agreement, which is currently proposed as twenty (20) or twenty-five (25) years, commencing in 2022. Shorter terms may be considered, but it is the strong preference of the KCWA to enter into a twenty (20) or twenty-five (25) year Agreement.

### **5.3 Agreement**

Proposers are required to submit their proposed Renewable Energy Certificate Agreements. Any resulting agreement shall be construed under and governed by the Laws of the State

of Rhode Island. The terms of any resulting agreement cannot be modified, altered, or changed without the specific written approval of the Kent County Water Authority.

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**ARTICLE 5. COPIES REQUEST FOR PROPOSAL DOCUMENTS:**

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- 5.1 Complete sets of Request for Proposal Documents shall be used in preparing the Proposals. Kent County Water Authority assumes no responsibility for errors or misinterpretations resulting from the use of incomplete sets of Request for Proposal Documents or the proposer's failure to request clarification of interpretations in writing at the pre-proposal conference.
- 5.2 Kent County Water Authority, in making copies of Request for Proposal Documents available, does so only for the sole purpose of obtaining proposals for Professional Services for renewable energy remote net metering resources, and do not confer a license or grant for any other use.

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**ARTICLE 6. EXAMINATION OF REQUEST FOR PROPOSAL DOCUMENTS:**

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- 6.1 Before submitting a Proposal, each Proposer must examine the Request for Proposal Documents thoroughly, and familiarize themselves with all applicable Federal, State, and local laws as well as the Kent County Water Authority Procurement Procedures that govern this solicitation.
- 6.2 The submission of a Proposal will constitute an incontrovertible representation by the Proposer that they have complied with every requirement standard of this Request for Proposal and all documents contained herein.

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**ARTICLE 7. INTERPRETATIONS:**

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- 7.1 All questions about the meaning or intent of the Request for Proposal Documents shall be received in writing by Kent County Water Authority at the pre-proposal conference.
- 7.2 Written clarifications or interpretations will be issued, if requested by Addenda, not later than four (4) calendar days before the Proposal opening date. Only questions answered by formal written Addenda will be binding. Oral and other clarifications or interpretations will be without legal effect. Addenda will be mailed via certified mail, with return receipt requested, to all parties recorded as having received the Request for Proposal Documents.
- 7.3 Each Proposer shall be responsible for determining that they have received all Addenda issued and so note in the proposal response cover letter.
- 7.4 Proposers are advised that once the RFP has been issued, there shall be no contact with any governmental employees (in particular with the Kent County Water Authority)

regarding issues pertaining to this RFP. Instructions for participating in this proposal process, and information regarding this project, will be provided only through this RFP and written addenda.

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#### ARTICLE 8. PRE-PROPOSAL CONFERENCE:

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- 8.1 A pre-proposal conference will be held as described in the advertisement for Request for Proposals to discuss project related concerns.
- 8.2 The Pre-Proposal conference is mandatory for all Proposers. Failure to attend will negate the Proposer's ability to submit a Proposal for consideration.

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#### ARTICLE 9. RECEIPT OF PROPOSALS:

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- 9.1 Sealed Proposals for the Request For Proposal To Provide Renewable Energy Certificates (RECs) will be received at the time and place indicated in the Request for Proposals invitation.
- 9.2 Respondents shall also provide one (1) electronic copy on a flash, thumb, or similar electronic drive. All electronic submissions must be provided in a "searchable" format (ex: MS Word, MS Excel, PDF, etc.) where KCWA will have the ability to search, and scan submitted documents.
- 9.3 Kent County Water Authority may consider informal any Proposal not prepared and submitted in accordance with the provisions hereof.
- 9.4 Proposers are cautioned that it is the responsibility of each individual Proposer to assure that their Proposal is in the possession of the responsible official of the Kent County Water Authority prior to the stated time and at the place of the Proposal Opening. Kent County Water Authority is not responsible for Proposals delayed by mail and/or delivery services, of any nature.
- 9.5 All Proposals must be submitted in a sealed opaque envelope. Clearly indicate on the envelope jacket that it is a Proposal for Request For Proposal To Provide Renewable Energy Certificates (RECs). Kent County Water Authority will not be responsible for any envelopes opened that are not clearly marked. (If forwarded by mail, Proposal shall be in a sealed outer envelope marked as described above and shall be enclosed in another "inner" envelope with the notation "PROPOSAL ENCLOSED" on the face.).

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#### ARTICLE 10. MODIFICATION OF REQUEST FOR PROPOSALS:

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- 10.1 Proposals may not be modified once a Kent County Water Authority representative

receives them. After the opening of proposals, modifications will not be allowed.

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**ARTICLE 11. KENT COUNTY WATER AUTHORITY INVOLVEMENT DURING THE PROJECT:**

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- 11.1 It is clearly understood that the office and field personnel of the Kent County Water Authority will have limited involvement in the Project. The Proposer shall provide all services required to successfully deliver RECs in accordance with this RFP. The Proposer shall submit, as part of the proposal, any potential services, data, and data collection needs that may be required from Kent County Water Authority as part of the project.
- 11.2 Kent County Water Authority shall provide all existing information to the selected Proposer for review from all available company sources.
- 11.3 Kent County Water Authority will not provide any field services for the project. The staff of the Kent County Water Authority will assist in data collection on existing Kent County Water Authority records only and not from any other sources. Direction will be provided as needed. The intent of this section is to work cooperatively through the entire project, but it is clearly understood that the consultant is responsible for all work and services for the entire project.

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**ARTICLE 12. SELECTION CRITERIA FOR INTERVIEW:**

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- 12.1 The Kent County Water Authority shall review Proposals based on the factors outlined in Article 15 of this RFP. Following this, KCWA may elect to interview one or more Proposers for additional detail. Only those selected for an interview, if the Kent County Water Authority so chooses, shall be eligible for selection to perform the Services requested.
- 12.2 Additional Due Diligence and Information: KCWA may communicate with one, multiple or all Proposers who have meet the RFP deadline and submission requirements to seek additional information to be used in evaluation all responses. During this review, KCWA reserves the right to seek and accept additional and/or new information as related to Proposers firm, proposed and newly available project(s) and Proposer's responses, detail, and additional information overall.

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**ARTICLE 13. INTERVIEW AND FINAL SELECTION:**

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- 13.1 Upon completion of Article 12, those firms selected will be notified of the date and time for interviews, which will be optional and determined by Kent County Water Authority. Interviews, if required, will be held directly with the Kent County Water Authority and each interviewed proposer will be given an opportunity for at least a 15-minute

presentation, with follow up questions and conversation from KCWA staff, board, and consultants, involved in the RFP review and selection process.

- 13.2 The Kent County Water Authority reserves the right to award this Proposal in whole or in part and to reject any and all Proposals. The Kent County Water Authority reserves the right to award this proposal without interviews and basing these decisions on Article 11 and 12 above.
- 13.3 Proposer(s) understand that the KCWA may make a conditional award to one or more Respondents. Following this conditional award, the KCWA may enter into final negotiations and contract execution with the Proposer. The two parties shall agree upon a timetable to negotiate and finalize the Project design, scope, schedule and contracting agreement(s). Proposers understand that final Agreements shall be subject to the approval of the KCWA Board of Directors.
- 13.4 Proposer(s) further understand that any final Agreement between the Kent County Water Authority and any selected Proposer(s) may be subject to review and approval by the Rhode Island Public Utilities Commission.

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#### ARTICLE 14. ENGAGEMENT OF SERVICES:

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- 14.1 Upon successful selection in Article 12 and/or 13, the Kent County Water Authority reserves the right to negotiate any and all parts to this Proposal with the selected Proposer prior to formalization of a letter of engagement for services.
- 14.2 In the event the successful Proposer cannot fully and timely perform his contractual obligation and/or successfully negotiate the Proposal with the Kent County Water Authority, the Kent County Water Authority reserves the right to award the Proposal to any of the other qualified Proposers.
- 14.3 Kent County Water Authority reserves the right to reject any and all Proposals, or parts thereof, to waive any and all informalities if it is in Kent County Water Authority's best interest to do so, and the right to disregard all nonconforming, nonresponsive, or conditional Proposals or portions thereof.
- 14.4 It is fully intended to engage the services of the successful Proposer(s) as stated above upon successful negotiations and preparation of a letter of engagement and net metering agreement acceptable to Kent County Water Authority. The best rate and terms of agreement is paramount in consideration will not be the sole determining factor. No work shall proceed without prior written authorization.

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#### ARTICLE 15. AWARDS:

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- 15.1 The Kent County Water Authority reserves the right to reject any or all proposals, to waive technicalities and informalities, and to accept the proposal deemed best for the Kent County Water Authority. The award will be made to the Proposed who, in the opinion of the Kent County Water Authority, offers the best overall solution to meet the identified goals of this RFP. The evaluation will include, but will not necessarily be limited to the following (which are not ranked in order of importance to the Kent County Water Authority):
- 15.1.1 Pricing.
  - 15.1.2 Background, professional qualifications and experience of the Proposer including Proposer's past experience in delivering long-term RECs to its clients. Weight will be given to RECs sourced from newly commercially operational projects, and projects located as local (Rhode Island) as possible.
  - 15.1.3 Proposer's approach in sourcing and delivering qualified RECs.
  - 15.1.4 Demonstrated financial ability to source and deliver RECs long-term.
  - 15.1.5 REC availability from new and locally sited projects (as and if applicable).
  - 15.1.6 Overall quality, thoroughness, and responsiveness to this RFP.
- 15.2 The KCWA reserves the right to select one or more Proposers to fulfill the total long-term volume of RECs sought through this RFP. Regardless of anything to the contrary stated herein, the Kent County Water Authority reserves the right to select a project based on factors not enumerated above at its unfettered and sole discretion.
- 15.3 Between the Proposal Due Date and the Preliminary Award Selection, the Kent County Water Authority may reach out to Proposers for clarification of any aspect of their Proposal. The Kent County Water Authority explicitly reserves the right to select a Proposal with a higher price proposal, and during the period between the Proposal Due Date and the Preliminary Award Selection negotiate for a more favorable price or percentage for the Kent County Water Authority. Further the Kent County Water Authority reserves the right to negotiate with a successful Proposer, once selected, to source RECs from any other projects in the Proposer's pipeline, if the Kent County Water Authority desires to increase its capacity for net metering credits, regardless of the criteria in this RFP.

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**ARTICLE 16. TERMS AND CONDITIONS FOR RFP:**

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- 16.1 Proposal Materials. All material submitted in response to the RFP shall become the property of the Kent County Water Authority upon submission and will be considered as part of this RFP.

- 16.2 Rhode Island Public Records Law. Proposers are advised that all materials submitted for consideration in response to this RFP will be considered Public Records as defined in Title 38, Chapter 2 of the General Laws of Rhode Island, without exception, and will be released for inspection immediately upon request after an award has been made. Proposers may submit redacted versions of their Proposals, however only clearly established confidential information may be redacted. It will be at the sole determination of the KCWA is said redacted versions exclude information that is not deemed “confidential.” In this case, the original RFP response will be included as Public Records in any requests.
- 16.3 RFP Interpretation. Interpretation of the wording of this document shall be the sole responsibility of the Kent County Water Authority and that interpretation shall be final.
- 16.4 Addenda. Any addendum issued to Proposers prior to the proposal opening date shall include an addendum acknowledgement section. Since all addenda shall become a part of the proposal, all addenda must be signed by an authorized Proposer representative and returned with the proposal. Failure to sign and return any and all addendum acknowledgements may be grounds for rejection of the proposal response.
- 16.5 Proposal Modification. Any exceptions/additions/alterations to the terms and conditions contained herein must be included in the Proposer’s proposal response. Failure to provide the required data to allow for evaluation of the Proposer’s response to the RFP, or failure to follow and complete the RFP proposal format and accompanying documents will be grounds for rejecting the proposal offer. The Kent County Water Authority reserves the right to reject any proposals that alter the terms specified in the RFP.
- 16.6 Confidentiality. From the date of issuance of the RFP until the opening date, the Proposer must not make available or discuss its proposal, or any part thereof, with any employee or agent of the Kent County Water Authority. The Proposer is hereby warned that any part of its proposal or any other material marked as confidential, proprietary, or trade secret, can only be protected to the extent permitted by Rhode Island State laws.
- 16.7 Obligation. This RFP in no manner obligates the Kent County Water Authority to the eventual purchase of any products or services described, implied, or which may be proposed, until confirmed by written agreement, and may be terminated by the Kent County Water Authority without penalty or obligation at any time prior to the signing of an agreement.
- 16.8 Certification. Proposer must certify (see Exhibit A) that it does not lawfully discriminate on the basis of race, color, national origin, gender, sexual orientation and/or religion in its business and hiring practices and that all of its employees are lawfully employed under all applicable federal, state, and local laws, rules, and regulations.
- 16.9 Expenses. Expenses for developing and presenting proposals shall be the entire responsibility of the Proposer and shall not be chargeable to the Kent County Water Authority. All supporting documentation and manuals submitted with this proposal will become the property of the Kent County Water Authority unless requested by the

Proposer, in writing, at the time of the submission, and agreed to, in writing, by the Kent County Water Authority.

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**ARTICLE 17. MISCELLANEOUS:**

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- 17.1 In order to propose, a Proposer who is an out-of-state corporation must be registered to transact business in this State.
- 17.2 The Kent County Water Authority reserves the right to reject any and all proposals, wholly or in part; to waive technicalities; irregularities, and omissions; to make the award in a manner deemed to be in the best interest of the Kent County Water Authority; and to correct any award erroneously made as a result of a clerical error on the part of the Kent County Water Authority.
- 17.3 Proposals may be withdrawn at any time prior to the proposal receipt deadline date and time. Once the proposal receipt deadline has passed all proposals become the property of the Kent County Water Authority.
- 17.4 Complete records of all proposals and awards are maintained by the Kent County Water Authority. All proposal documents will be made available for public examination after the proposal evaluation committee has completed its proposal review, selection, and final award.
- 17.5 Proposers are advised to review all sections of this RFP carefully and to follow instructions completely, as failure to make a complete submission as described elsewhere herein or a false statement, whether knowingly or not, will likely result in rejection of the proposal or termination of the Public Net Metering Financing Contract.
- 17.6 Proposals may be viewed at the office of the Kent County Water Authority, immediately upon the conclusion of the formal meeting during which the proposals are unsealed/opened.
- 17.7 As the Kent County Water Authority is exempt from the payment of Federal Excise Taxes and Rhode Island Sales Tax, prices quoted are not to include these taxes.
- 17.8 Proposals may be submitted on an "equal" in quality basis. We reserve the right to decide equality.
- 17.14 Awards will be made within 90 days of proposal opening. All agreement prices will be considered firm. Requests for price increases or a material change in net metering pricing will not be honored and could result in contract termination by the Kent County Water Authority.
- 17.15 Failure to deliver within the time quoted or failure to meet specifications may result in default action in accordance with the general specifications. It is agreed that deliveries

and/or completion are subject to strikes, lockouts, accidents, and Acts of God.

Kent County Water Authority

**PROPOSAL**

TO: Kent County Water Authority  
1072 Main Street  
West Warwick, RI 02893

We, the undersigned, propose to furnish to the Kent County Water Authority "**Request For Proposal To Provide Renewable Energy Certificates (RECs) To Offset 100% Of Electricity Use**" per attached Request for Proposal.

Did you deviate from the Request for Proposal in any way: YES\_\_\_\_\_ NO\_\_\_\_\_  
(If yes, you must submit a detailed description of all deviations so that your product or service can be properly evaluated.)

Did you receive an addendum: YES\_\_\_\_\_ NO\_\_\_\_\_

Delivery: \_\_\_\_\_ calendar days after receipt of order.

By: \_\_\_\_\_  
Authorized Signature      Date      Company

\_\_\_\_\_  
Print Name & Title      Address

\_\_\_\_\_  
Telephone      Fax      City      State      Zip Code

**Please submit proposal page and any brochures in DUPLICATE**

**Exhibit A**

Certification of Proposer

Upon behalf of \_\_\_\_\_ (Proposer's Name), I, \_\_\_\_\_ (Name of Person Making Certification), being its \_\_\_\_\_ (Title or "Self"), hereby certify that:

1. Proposer does not unlawfully discriminate on the basis of race, color, national origin, gender, sexual orientation and/or religion in its business and hiring practices.
2. All of Proposer's employees have been hired in compliance with all applicable federal, state, and local laws, rules, and regulations.

I affirm by signing below that I am duly authorized on behalf of Proposer, on this \_\_\_\_ day of \_\_\_\_\_ 2022.

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