



May 15, 2023

**Re: Request for Statement of Qualifications for Photovoltaic (PV) Solar Generation Development Services**

The Town of Southbury, CT and the Energy Task Force has launched the development of its PV Solar generation program. The program will initially consist of a single project to be located at the Town of Southbury, CT's Library consisting of a nominal 200 KW<sub>dc</sub> of electric generation.

The attached *Request for Statement of Qualifications* invites you to submit qualifications for consideration on the bid for PV Solar development and engineer, procure and construction (EPC) services for the PV Solar Generation program. All qualification statements are due in electronic format via email to Mr. Dan Colton, [financedirector@southbury-ct.gov](mailto:financedirector@southbury-ct.gov), by **1:00 p.m. EST, Monday, June 5, 2023**. In addition, the firm is to submit four (4) hard copies and 1 electronic copy to the following:

Town of Southbury, CT  
PV Solar Generation Program  
ATTN: Finance Director, Mr. Dan Colton  
501 Main Street South  
Southbury, CT 06488

An in-person interview will be conducted at the Town of Southbury office during ***the week of June 12, 2023***. If selected for an interview, we will contact you to schedule.

Questions regarding this Request should be directed to Mr. Dan Colton, Finance Director by phone (203-262-0663) or email ([financedirector@southbury-ct.gov](mailto:financedirector@southbury-ct.gov)).

Very truly yours,

Mr. Dan Colton  
**Town of Southbury, CT**  
**Finance Director**

Enclosure: Request for Statement of Qualifications

**REQUEST FOR STATEMENT OF QUALIFICATIONS**  
**May 15, 2023**

**PV SOLAR GENERATION PROGRAM**  
**REQUEST FOR STATEMENT OF QUALIFICATIONS FOR**  
**DEVELOPMENT AND ENGINEER, PROCURE AND CONSTRUCTION (EPC)**  
**SERVICES**

**A. SUMMARY**

Town of Southbury, CT seeks qualification statements from PV Solar Generation development firms qualified to provide development and engineer, procure and construction services for the initial PV Solar Generation facility to be located at the Town of Southbury's Library.

**B. PROJECT BACKGROUND**

The Town of Southbury, CT intends an initial phase of the PV Solar Generation program that includes the development, permitting and engineer, procure and construction (EPC) services for a nominal 200 KW<sub>dc</sub> flat rooftop or ground mounted facility to service the Town's public Library. This facility, which have been in development for several years, has an expected in-service date in 2024.

The PV Solar Generation facility is intended to be rooftop mounted utilizing fixed mounted PV solar panels of the highest efficiency.

**C. SCOPE**

The PV Solar Generation development (Developer) firm will be responsible for all solar development activities required to provide a fully functional, PV solar generation facility serving the Town of Southbury's electrical energy needs at the library.

The Developer will be responsible for all development, permitting and engineer, procure & construction (EPC) services for the facility and site that include, but are not limited to, the following:

1. Coordination with the Town of Southbury and Eversource for permitting/approvals, design and construction activities.
2. Conformance with the environmental regulations and requirements.
3. Identification and coordination of applicable federal and state grants that are available for this type of project/facility.
4. Development of engineering documents (drawings and specifications) signed by a professional engineer licensed in the State of Connecticut that communicate to the Contractor the following:
  - a. Confirmation of adequate structural design of rooftop structure proposed and the design of PV solar panel supporting structures.
  - b. Horizontal and vertical controls.

- c. Site utilities plan.
- d. Site plan for hardscape including roads, parking, sidewalks, and equipment yard.
- e. Site plan for signage, fencing, gates, and site lighting.
- f. Electrical single line diagram and design of electrical interconnection to Library system, Eversource distribution system and metering/protection systems.

#### **A. PROJECT SCHEDULE**

The following is the proposed project schedule and may be adjusted as needed:

- September 1, 2023 – Initial Concept Package, Performance, interconnection, costs & schedule
- December 1, 2023 – Final Concept Package and Agreement
- December 1, 2024 – PV Solar Generation Facility In-Service

#### **B. STATEMENT OF QUALIFICATIONS CONTENTS**

The Statement of Qualifications should include a clear response to the following items:

1. Experience in design and construction of projects of similar scope and complexity, specifically with:
  - a. PV solar generation installations
  - b. Eversource distribution system interconnection
  - c. Municipal facilities
2. Source and arrangements with manufacturers for the supply of PV solar equipment ie. panels, inverters, structure
3. Experience in the operation and maintenance of PV solar generation facilities of similar scope and complexity
4. Potential risks for this project and potential mitigation strategies
5. Demonstrated capacity to complete projects on time & within budget
6. References from Municipal Owners, Architects, Engineers, and/or Contractors
7. Preferred Form of Agreement including Terms and Conditions
8. Audited financial statements for the past five (5) years indicating organization's financial capacity and performance
9. Company organization and personnel, including:
  - a. Project team with employee certifications and licensures
  - b. Key personnel resumes

10. Experience Modification Rate (EMR) for organization's operations over the past five (5) years
11. Point of contact (name, phone number, email)

### **C. INTERVIEW**

If selected for an interview, it will be conducted the week of June 12, 2023 at

Town of Southbury, CT  
501 Main Street South  
Southbury, CT 06488

At a minimum, the following people should be in attendance:

- Member of company leadership
- Proposed Project Manager

The interview will be approximately one hour in length. Thirty minutes will be allowed to introduce your firm and present your firm's qualifications and 30 minutes will be reserved for questions and discussion. If you desire, a monitor with PowerPoint will be available for your use. Email PowerPoint presentations to [financedirector@southbury-ct.gov](mailto:financedirector@southbury-ct.gov) by the day prior to your interview.

## **Code of Ethics/Conflict of Interest Ordinance**

### **A. Declaration of Policy.**

1. The proper operation of the government of the Town of Southbury requires that public officers, employees, and members of boards, commissions and committees be independent, impartial and responsible to the people; that governmental decisions and policies be made in the proper channels of the government structure and free from coercive or other improper influence; that public office and employment not be used for personal gain; and that the public have confidence in the integrity of its government.

2. The purpose of this Ordinance is to set forth standards of ethical conduct to assist public officers, employees, members of boards, commissions and committees and persons dealing with them, when they are in the performance of their duties, so as to maintain and enhance a tradition of responsible and effective public service.

3. In the interest of ensuring that concerns regarding possible conflict of interests are promptly raised, this Ordinance permits a concern that a conflict of interest may exist to be raised by any person, regardless of whether the person would be considered an aggrieved party as that term is interpreted under Connecticut law. Any failure to observe the procedures set forth in this Ordinance shall not, however, afford a basis for an action for damages against the Town, any Town board, commission, agency or employee, or any member of any Town board or commission, or for challenging a decision, license, permit or other action of a Town employee, board or commission or member of same by a person who would not, but for the provisions of this Ordinance, have standing to bring such an action.

### **B. Definitions.**

The following definitions shall apply to this Ordinance:

1. Conflict of Interest. A conflict of interest shall be deemed to exist if any Town officer, employee, or member of any board or commission has a financial or personal interest, direct or indirect, in any purchase, contract, transaction, or decision involving his office, board, commission or employment. Indirect interest is defined as an interest in which an officer, member or employee might influence a decision or event so as to achieve gain, financial or otherwise, on behalf of a family member, friend or associate or that creates an actual or perceived monetary or personal indebtedness to any party.

2. Financial Interest. A financial interest shall be deemed to exist if:

- a. Any such officer, member or employee might, directly or indirectly, derive pecuniary or financial gain or suffer loss from any purchase, contract, transaction or decision involving his office, board, commission or employment; or

b. A business or professional enterprise in which such officer, employee or member has any interest as an owner, member, partner, officer, employee or stockholder or has any other form of participation that will be affected by the outcome of the matter under consideration.

3. Personal Interest. A personal interest shall be deemed to exist if any such officer, member or employee shall have an interest with a person involved in any such contract, transaction or decision by reason of:

a. Relationship within the fourth degree by blood or marriage; or

b. Close business relationship; or

c. An interest that is averse to the interests of the Town with respect to the matter under consideration.

4. Material Conflict of Interest. A conflict of interest shall be deemed to be material where a reasonable person would conclude that the financial or personal interest:

a. is incompatible, or would to a reasonable person appear to be incompatible, with the proper discharge of official duties; or

b. would tend to impair, or would to a reasonable person appear to impair, independence of judgment and action in the performance of official duties.

5. Public Official. An elected or appointed official, whether paid or unpaid, full or part-time, of the Town.

6. Ethics Commission. The Town of Southbury Commission on Ethics as authorized by Section 7-148h of the Connecticut General Statutes.

**C. Disclosure of Conflict.**

1. Any Town officer, employee, or member of any Town board or commission who has a conflict or potential conflict of interest as defined herein, whether or not such conflict or potential conflict is material, shall disclose the interest causing such conflict or potential conflict in writing to the Board of Selectmen.

2. Any member of any Town board or commission who has a conflict of interest, whether or not such conflict is material, shall, in addition to the disclosure required by this Ordinance, disclose the interest causing such conflict to such board or commission, and such disclosure shall be recorded in the board's or commission's minutes.

**D. Determination of Materiality.**

1. In the event that a disclosure or a claim of a conflict of interest with respect to any Town officer or employee has been made to the Board of Selectmen, and the officer or employee does not disqualify himself from matters with respect to which the conflict of interest allegedly exists, the Board of Selectmen promptly shall inquire into the facts of the matter and determine whether or not a conflict exists and if so, whether it is material.

2. In the event that a disclosure or a claim or a conflict of interest with respect to any member of a Town board or commission has been made to such board or commission, and the member does not disqualify himself from matters with respect to which the conflict of interest allegedly exists, the board or commission shall forthwith determine by a majority of those members present, excluding the member whose interest is in question, whether or not a conflict exists and, if so, whether it is material.

#### **E. Disqualification.**

If it has been determined that a material conflict of interest exists, the Town officer, employee or member of any Town board or commission who has the conflict shall be disqualified from discussing or acting upon any matter encompassed by that conflict of interest, and shall leave the room during any public hearing, discussions or deliberations regarding the matter. Any Town officer, employee or member of any Town board or commission may disqualify himself even though the conflict of interest is not material.

#### **F. Claim of Conflict.**

If a formal written complaint is made to the Ethics Commission that any Town officer, employee, or member of any Town board or commission has an undisclosed conflict of interest, the Ethics Commission shall record the claim in its minutes.

#### **G. Gifts and Favors.**

No Town officer, employee, or member of any Town board or commission shall accept or receive, directly or indirectly, anything of value (whether by rebate, gift, promise, obligation or contract for future reward or Compensation or otherwise) for awarding or influencing the award of any decision, permit, license, contract or purchase order by the Town. Anything of value when in the form of a gift shall not be deemed relevant if the actual cost of that item is less than \$10.00.

#### **H. Representation.**

1. Without the prior written consent of the Ethics Commission, no Town employee or public official shall appear for Compensation before any Town board or agency in which he/she was formerly employed or served as an official at any time within a period of one (1) year after termination of his/her service with the Town.

2. Without the prior written consent of the Ethics Commission, no present or former Town employee or public official shall represent anyone other than the Town concerning any particular matter in which he/she participated personally and substantially while in municipal service.

3. No Town employee or public official shall disclose or use confidential information acquired in the course of and by reason of his/her official duties, for personal and/or financial gain for himself/herself or others.

4. No former Town employee or public official who participated substantially in the negotiation or award of municipal contract or who supervised the negotiation or award of such a contract shall accept employment with a party to the contract other than the Town for a period of one (1) year after such contract is signed.

#### **I. Independent Contractors.**

Before hiring any consultant, independent Contractor or other advisor, the officer, employee, board or commission that proposes to hire the independent Contractor shall inquire whether the independent Contractor has any conflict of interest as that term is defined in this Ordinance or as defined in any code of ethics or similar code applicable to the independent Contractor. Any such conflict shall be specified in the appropriate Town records (such as minutes of any relevant board or commission). Prior to hiring any independent contractor with a conflict, the officer, employee, board or commission proposing to hire the independent Contractor must make a determination that the conflict is not material and/or that despite the conflict, the independent Contractor should be hired. The decision and the reasons therefore must be a matter of public record.

No consultant, independent Contractor or other advisor of the Town shall represent a private interest in any action or proceeding against the interest of the Town which is in conflict with the performance of his/her duties as such consultant, independent Contractor or advisor. No consultant, independent Contractor or advisor may represent anyone other than the Town concerning any matter in which he/she participated personally and substantially as a consultant to the Town. Neither shall such consultant, independent Contractor or advisor disclose confidential information learned while performing his/her duties for the Town, nor shall he/she use such information for the personal and/or financial interests of himself/herself or others.

#### **J. Procedure.**

All claims pertaining to a violation of this Ordinance shall be made, in writing, to the Ethics Commission in accordance with the rules and regulations promulgated by that Commission which shall be found in the Town of Southbury Ethics Commission Statement of Procedures. These rules shall require the Complainant to specify the facts that gave rise to his/her claim and the specific provision of this Ordinance that has been breached on a Form provided by the Ethics Commission. The Ethics Commission may, but is not required to consider claims made

against individuals formerly in office or formerly employed.

Any allegations and any information learned, supplied to or received from or by the Ethics Commission shall remain confidential until a finding of Probable Cause is determined by the Ethics Commission.

The Ethics Commission is authorized to issue advisory opinions at its discretion.

#### **K. Penalties.**

1. In addition to any penalty contained in any other provision of law, any person who violates any of the provisions of this Ordinance may be censured or reprimanded or may be suspended or removed from office or employment, as the case may be, in the manner provided by law.

2. Any violation of this Ordinance shall render any purchase, contract, or transaction or any part thereof affected thereby voidable by the Board or Selectmen.

3. Any violation of this Ordinance with respect to any decision of a board, commission or committee shall be subject to any remedies deemed proper by the Board of Selectmen and permitted by law.

4 The penalties provided above are in addition to any other penalties provided by law to address violations of the provisions of this Ordinance.

#### **L. Concurrent Offices.**

1. No official or employee of the Town, full or part-time, shall serve on any board or commission to which the official or employee reports or acts as staff, except as otherwise stated in the Town Charter or Ordinances. Notwithstanding the foregoing, an official or employee may serve on any board, commission or committee in an advisory capacity.

2. Except as otherwise provided in the Charter or by Ordinance, the First Selectman, the Selectmen, the Town Clerk, members of the Board of Finance and members of the Ethics Commission shall hold no other Town office, and the provisions of Section 9-210 of the General Statutes concerning incompatible Town offices shall apply to the officers described therein.

3. Subject to the restrictions set forth in applicable law and in Section L. 2 of this Ordinance, nothing in this Ordinance shall prevent the appointment of the same person to more than one office, provided the offices are not incompatible, provided the duties of the offices to which he is appointed may, in the opinion of the Board of Selectmen, be satisfactorily fulfilled by one person, and provided further that inability to fulfill satisfactorily the duties of all offices to which he is appointed shall be cause for removal from any one or more of said offices.

## **M. Meetings.**

1. Members Attendance. Members of all boards, commissions and committees are expected to attend all meetings of such boards, commissions and committees.

2. Alternates' Attendance. Alternate members of all boards, commissions and committees are expected to attend all meetings of such boards, commissions and committees.

3. Voting. All members or seated alternates of all boards, commissions and committees who have not been disqualified shall vote on all matters upon which a vote is held by such board, commission and committee unless there shall be reasonable cause for abstention and said cause is stated and recorded in the minutes of the meeting.

4. Statement of Reasons. In every case where the action of any board, commission and committee is subject to a right of appeal to another administrative body or to the courts of the State of Connecticut, a statement of the reasons for its action shall be included in the minutes of the meeting.

## **N. Indemnification Certificate:**

The successful bidder must submit satisfactory proof of insurance and a signed Indemnification Certificate.

**NOTICE TO CONTRACTORS  
CODE OF ETHICS/CONFLICT OF INTEREST ORDINANCE**

The Town of Southbury has a Code of Ethics/Conflict of Interest Ordinance. The Contractor shall comply with all applicable provisions of said Ordinance. The Contractor acknowledges receiving a copy of said Ordinance, a copy of which is attached hereto and made a part hereof. The Contractor further agrees that any instance of its violating any provisions of the Code of Ethics/Conflict of Interest Ordinance will be sufficient cause for the Town to terminate any or all of the Contractor's contracts or pending contracts with the Town. The Contractor agrees that the above clause will also be incorporated in all of its contracts with its subcontractors and consultants.

**ACKNOWLEDGEMENT OF RECEIPT**

I have read the above Code of Ethics/Conflict of Interest Ordinance and agree to abide by its terms. (Shown below)

ORDINANCE RECEIVED BY: \_\_\_\_\_ (Print name)

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Date)