STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

STATE ENERGY OFFICE

OLYMPIA, WASHINGTON

NOTICE OF FUNDING OPPORTUNITY

NOVEMBER 2018

PORTIONS REVISED JANUARY 2019

PROJECT TITLE: CEF 3 Solar Deployment

BIDDER CONFERENCE DATE: 11/7/2018 2:00PM–3:00 PM PST

APPLICATION DUE & REVIEW STARTS: 12/4/2018

CONTRACT PERFORMANCE PERIOD: 5/1/2019 – 10/31/2022

APPLICANT ELIGIBILITY:   
This program provides funds for competitively awarded grants for the deployment of solar projects in Washington State. Commerce will award $1,552,000 in state funds and $2,328,000 in federal funds through a competitive grant program.

APPLICANT RESPONSIBILITY:  
The Applicant bears the responsibility of reading this Notice of Funding Opportunity (NOFO) prior to completing and submitting the Application. Failure to follow the instructions as provided may result in the submitted project being deemed ineligible for funding.

COMMERCE complies with the Americans with Disabilities Act (ADA).  Applicants may contact the NOFO Coordinator to receive this NOFO in Braille or on tape.

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# INTRODUCTION

The Washington State Legislature created the Clean Energy Fund to provide solely for projects that provide a public benefit to the citizens of Washington State through deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or otherwise increase energy independence for the state.

## PROGRAM DESCRIPTION

The State Energy Office is accepting grant applications for the Deployment of Solar Projects Program from Washington-based entities developing solar generating projects. At least 25% of awarded funds must provide direct benefits to low-income residents or communities.

This program is part of the Clean Energy Fund 3 (CEF3) and is in [Section 1013 (9) of Substitute Senate Bill 6090](http://leap.leg.wa.gov/leap/budget/lbns/1719Cap6090-S.SL.pdf) of the Capital Budget.

In this program, $1,552,000 in WA State funds and an additional $2,328,000 from U.S. DOE American Recovery and Reinvestment (ARRA) federal funds will be competitively awarded. Commerce reserves 3% of funding for administrative costs.

|  |  |
| --- | --- |
| **Funding Source** | **CEF 3 Solar** |
| Total Available Repurposed American Recovery and Reinvestment Act ARRA Funds (Program less Administration) | **$2,328,000** |
| Total Available Washington State General Funds (Program less Administration) | **$1,552,000** |
| **Total Available Funding for Competition** | **$3,880,000** |

## PROGRAM OVERVIEW

Minimum Program Requirements:

* Priority must be given to distribution side projects that reduce peak electricity demand.
* Projects must be capable of generating at least 500 kW (kilowatts) of direct current (DC) generating capacity.
* Grants shall not exceed $200,000 per megawatt ($0.20 per Watt) of DC generating capacity.
* Total grant funds per project shall not exceed $1,000,000 per applicant.
* Applicants may not use other state grants for the project.
* At least 25 percent of the total funding allocation shall be provided solely for projects that provide direct benefits to low-income residents or communities.
* Commerce must attempt to prioritize an equal geographic distribution.
* Priority must be given to major components made in Washington State.

Awards will be made from *one funding source or the other, not both*. Unallocated state funds may be combined with federal funds, as appropriate and at Commerce’s discretion. Awardees will be subject to the funding source requirements, as applicable.

Funding is part of the Clean Energy Fund 3 (CEF3) and is in [Section 1013 (9) of Substitute Senate Bill 6090](http://leap.leg.wa.gov/leap/budget/lbns/1719Cap6090-S.SL.pdf) of the Capital Budget. Both state capital and federal funds are authorized for use. Federal Funding is repurposed from the American Recovery and Reinvestment Act (ARRA).

Funding is subject to the following requirements and priorities as outlined on the following table.

|  |  |  |
| --- | --- | --- |
|  | State Capital Budget Funds | ARRA Funds |
| Primary Funding Priorities | * Solar generating projects with a primary focus of providing direct benefits to low-income residents or communities at least equal to the grant amount | * Solar generating projects with a primary focus of providing direct benefits to low-income residents or communities |
| Programatic requirements | * [Governor’s Executive Order 05-05](https://dahp.wa.gov/project-review/governors-executive-order-05-05) * [Washington State Prevailing Wage](http://www.lni.wa.gov/TradesLicensing/PrevWage/WageRates/) * Active registration through [SAM.gov](https://sam.gov/portal/SAM/) * Registration through [Secretary of State](https://www.sos.wa.gov/corps/) * Registration through [Dept. of Revenue](https://dor.wa.gov/) * Certificate of liability insurance * Current Risk Assessment | * [Historic Preservation](https://www.npi.org/NEPA/nhpa106) * [National Environmental Recovery Act](https://ceq.doe.gov/ceq-reports/reports_congress_may2009.html) * [Davis Bacon](https://www.dol.gov/whd/govcontracts/dbra.htm) * [Presidential Executive Order on Buy American and Hire American](https://www.whitehouse.gov/presidential-actions/presidential-executive-order-buy-american-hire-american/) * Active registration through [SAM.gov](https://sam.gov/portal/SAM/) * Registration through [Secretary of State](https://www.sos.wa.gov/corps/) * Registration through [Dept. of Revenue](https://dor.wa.gov/) * Certificate of liability insurance * Current Risk Assessment |
| Procurement Requirements | * State and/or local procurement requirements apply * In the instane of contracting, the most restrictive of applicable state or local requirements must be used. For example, if a jurisdictions local contracting cap for small works roster useage is less than the state cap, the jurisdiction must use the lower cap. | * Federal, state and/or local procurement requirements apply * In the instane of contracting, the most restrictive of applicable federal, state or local requirements must be used. For example, if a jurisdictions state contracting cap for small works roster use is less than the federal cap, the jurisdiction must use the lower cap. |
| * The applicant bears the responsibility in ensuring understanding and compliance, with all utility, local, state, and federal requirements. * The applicant bears the responsibility in ensuring all subcontractors and consultants understand and comply with all requirements. | | |

## THIS ROUND OF FUNDING

The funding will be competitively awarded. To ensure a competitive process and attract sufficiently qualified applicants, Commerce reserves the right to extend the application period as necessary.

The majority of State funds are intended to fund projects providing direct benefits to low-income residents or communities at least equal to the grant award amount to meet the 25% low-income funding requirement. Applicants that submit projects that do not have a low-income component should understand applications with a low-income compenent will be scored higher and will be given funding priority. Projects not providing low-income benefits should indicate they are willing to take federal funds.

* The application will contain a section where applicants are able to indicate state or federal funds as the entity’s funding preference.
  + An indication of preference does not guarantee an award will be made from the desired funding pool.
* For both funding streams, applicants should describe the proposed mechanism for providing direct benefits to low-income residents or communities, how the mechanism for providing direct benefits will be implemented, examples of proposed benefits, and the communities or groups of low-income residents who would receive the direct benefits. Potential mechanisms for providing direct benefits include reduction in electric bills of residential utility customers qualifying for low-income assistance and deployment of solar projects at shelters, multifamily housing, schools, or other locations serving low-income community members. Applicants are encouraged to consider and propose other mechanisms for providing direct benefits.
  + To qualify for state funds, the project should have direct benefits to low income residents or communities that are equal to or greater than the requested grant amount.
  + Meeting or exceeding the low income benefit requirement does not guarantee the project will be selected for funding; meeting or exceeding the requirement means that if the project scores high enough overall, the project would become eligible for state funding.
* The funding round will open November 2, 2018.
* The application review will begin December 4, 2018.
  + Applications received after the initial application period close date *may* be considered for possible evaluation for funding if:
    - There is need for additional applications
    - There is funding available after the current round has been awarded
    - The applicant meets the Minimum Mandatory Eligibility Criteria
    - The applicant is able to adhere to the requirements for the funding pool (federal or state) for which funds may still be available
    - The initial application was rejected and resubmitted after editing
* There is no required minimum request amount, but project must generate 500 kW or greater.
* The maximum grant award is $1,000,000, or $0.20 per Watt of direct current generating capacity, whichever is less.
* Contracts will be performance based, with payment made upon successful completion and commercial operation of the solar photovoltaic project.

## MATCH REQUIREMENTS

* There is no required match for the Clean Energy Fund Solar Deployment Program.

# GENERAL INFORMATION FOR APPLICANTS

## NOTICE OF FUNDING OPPORTUNITY (NOFO) COORDINATOR

The NOFO Coordinator is the sole point of contact in COMMERCE for this procurement. All communication between the Applicant and COMMERCE upon receipt of this NOFO shall be with the NOFO Coordinator, as follows:

|  |  |
| --- | --- |
| Name | Kristin Ramos |
| Mailing Address:  Street Address: | P.O. Box 42525, Olympia WA 98504-2525  1011 Plum Street SE, Olympia WA 98504-2525 |
| Phone Number: | 360-515-6504 |
| NOFO Website: | <http://www.commerce.wa.gov/growing-the-economy/energy/clean-energy-fund/> |
| E-Mail Address: | [energy\_policy@commerce.wa.gov](mailto:energy_policy@commerce.wa.gov)  Please use the following format in the subject line:  CEF 3 Solar, applicants name, topic |

Applicants:

* May submit one project per application through the process determined by Commerce. If an entity has more than one qualifying project, each project must be submitted in a separate application. There is a limit of three applications per entity.
* May submit applications under other CEF Notices of Funding Opportunity; however, other state grants may not be used on the proposed projects.
  + Applicants must certify that no other grants from the State of Washington will be used in developing the proposed project.
    - This limitation does not apply to funds provided as a *bona fide* loan, even if the loan is provided through a mechanism that benefits from state-funded loan program mechanisms.
    - This limitation does not apply to funds received by the project owner or participants through participation in the renewable energy incentive mechanism operated by the Washington State University Energy Program.
    - Funds provided by this grant may not be used to supplant or displace any funding designated for the submitted project.
      * If the total value of incentives and rebates exceeds the upfront funding provided by the applicant, Commerce will use the total incentives and rebates to calculate the gap in funding. This method ensures that Commerce does not duplicate funding.
* Applicants will download the documents that are required to accompany the application from the Commerce website.
* Applications will be submitted via email during the posted application date range to Energy\_Policy@[commerce](mailto:Energy_Policy@commerce.wa.gov).wa.gov.
* Commerce will make all final funding award decisions.

Awardees must:

* Conform to all state and federal laws, regulations, and policies, as applicable.
* Report on all pass-through funding using the provided reportable expense template under the Governor’s Diverse Spend Initiative.
* Comply with State Cultural and Historic Resource requirements and Tribal consultation as required by Governor’s Executive Order 05-05 or federally required National Historic Preservation Act (Section 106) requirements, as applicable.
* Complete a Risk Assessment Survey provided by Commerce.
* Comply with audit and monitoring requirements, including scheduled site visits.
* Utilize the online invoicing process for reimbursement.

## CONFLICT OF INTEREST

Pursuant to chapter 42.52 RCW, the applicant must identify in the application any state of Washington Employees or former state employees employed by the firm or on the firms governing board during the past twenty-four months. If a determination is made by the department that a conflict of interest exists, the applicant may be disqualified from further consideration for award of funding.

The information in the application regarding former state employees must:

* Identify the individual by name
* The agency previously or currently employing the individual
* The job title or position held and
* The separation date, if any.

If a conflict of interest is identified after an award has been made, the contract may be terminated. Commerce reserves its right to pursue all available remedies under the law to address the violation.

## ESTIMATED TIMELINE

|  |  |  |
| --- | --- | --- |
| Estimated Date | Task Category | Subtask Description |
| 11/02/2018 | NOFO Released | NOFO released, appropriate press release, web posting, application period opens |
| 11/02/2018 | Required Documents | Required Application documents posted to the [website](http://www.commerce.wa.gov/growing-the-economy/energy/clean-energy-fund/) |
| 11/07/2018 | Bidders Conference | Recorded webinar on the application process |
| 11/07/2018 | FAQ | Frequently asked questions document updated/posted weekly |
| 12/03/2018 | Full Application Ends | Last day to submit Application |
| *03/15/2019* | *Awards* | *Awardees and non-awardees notified* |
| *03/22/2019* | *Debriefing Conferences* | *Hold debriefing conferences, if requested, during this week* |
|  | | |
| Second Round If Remaining Funds Are Available | | |
| 04/1/2019 | Open-Ended Application Period | For the balances of both state and federal funding, if any. |
| 06/01/2019 | Application Review | Review of any submitted applications |
| 08/01/2019 | Awards | Awardees and non-awardees notified |
| September  2019 | Debriefing Conferences | Hold debriefing conferences, if requested |
| *Commerce reserves the right to modify the timeline as needed – changes will be posted on the CEF 3 Solar webpage.* | | |

## BIDDERS CONFERENCE

Commerce will host a bidders’ conference via Skype to review the application process and to respond to questions from potential applicants. The online bidder conference will be held November 7, 2018 2:00PM -3:00 PM Pacific Standard Time via Skype for Business meeting. The link is posted on the [Commerce Website](http://www.commerce.wa.gov/growing-the-economy/energy/clean-energy-fund/). The Bidders Conference slide desk is also posted on the same website page.

Questions regarding the application process may only be submitted in writing, via email to [energy\_policy@commerce.wa.gov](mailto:energy_policy@commerce.wa.gov). All questions and responses will be published on a “Frequently Asked Questions” (FAQ) document, which will be updated a minimum of weekly on the [Commerce Website](http://www.commerce.wa.gov/growing-the-economy/energy/clean-energy-fund/).

## APPLICATION STEPS

**Step 1:** Review guidelines and Notice of Funding Opportunity (NOFO) thoroughly and note any items for clarification. Ask for clarification via the webinar bidder’s conference, or [energy\_policy@commerce.wa.gov](mailto:energy_policy@commerce.wa.gov).

Review posted questions and answers (Q&A) at the [Commerce’s Clean Energy Fund](http://www.commerce.wa.gov/growing-the-economy/energy/clean-energy-fund/) [webpage](http://www.commerce.wa.gov/Programs/Energy/Office/Pages/Clean-Energy-Funds-2.aspx). Once the solicitation period opens, applicants may not contact Commerce staff to discuss projects. Process related questions must be submitted by email to [energy\_policy@commerce.wa.gov](mailto:energy_policy@commerce.wa.gov). Questions and answers (Frequently Asked Questions document) will be posted on [Commerce’s Clean Energy Fund](http://www.commerce.wa.gov/growing-the-economy/energy/clean-energy-fund/) [webpage](http://www.commerce.wa.gov/Programs/Energy/Office/Pages/Clean-Energy-Funds-2.aspx). Commerce staff may contact applicants to clarify questions prior adding to the FAQ sheet.

**Step 2:** Participate in or review the Bidders’ Conference webinar, which will be recorded and published on [Commerce’s Clean Energy Fund](http://www.commerce.wa.gov/growing-the-economy/energy/clean-energy-fund/) [webpage](http://www.commerce.wa.gov/Programs/Energy/Office/Pages/Clean-Energy-Funds-2.aspx).

**Step 3**: Confirm the proposed project is within requirements for this programm

**Step 4:** If the proposed project is within the requirements of this program, the applicant completes and submits the Application, along with all required support documents as cited on the application and available on the webpage.

Step 5: A Commerce selected review team will score the projects. No supplemental information or documents not directly requested by Commerce will be allowed after the application deadline. Applicants will not be provided an opportunity for project presentations. Commerce will make all final funding decisions.

**Step 6**: Notification of Solar Program grant awards, along with notification of unsuccessful proposals, will take place during the first quarter of 2019.

**Step 7:** Successful applicants will enter into contract negotiations starting in the first half of 2019

## MANDATORY ELIGIBILITY CRITERIA

Applicants must:

* Be a Washington State-based non-profit, private business, governmental, academic, or other organization pursuing solar deployment.
* Have current registration with the state’s Department of Revenue and Secretary of State, as applicable.
* Not request Solar funding to supplant or displace any funding designated for the submitted project.

Projects must:

* Generate electricity using solar photovoltaic technology and have a nameplate generating capacity of at least 500 kW (kilowatts) of direct current (DC) generating capacity.
* Develop or acquire capital assets with a lifespan of greater than 13 years and be located in the State of Washington.
* Be completed within 18 months of execution of the grant agreement. Extensions may be considered on a case-by-case basis.
* Comply with state prevailing wages on public works, or Davis Bacon Act Requirements as referenced on page 3, as applicable.
* Demonstrate benefit to Washington State and its citizens.
* Develop or demonstrate eligible solar energy technologies which:
  + Have demonstrated viability
  + Have interconnection with the grid
  + Are designed to provide energy resiliency

Recipient Reporting

Recipients of solar funding must report to Commerce no less than quarterly regarding progress of the funded project, project outcomes upon completion of the project, and other information upon request by Commerce. Upon project completion, a final summary of the project is required.

## ADDITIONAL SELECTION CRITERIA – STATE OR FEDERAL FUNDS

State Funds:

The primary basis for selecting projects under state funding will be the amount and nature of direct benefits provided to low-income residents and communities. The larger the amount of direct benefits to low-income residents and communities, relative to the requested grant amount, the higher an application will be scored.

Federal Funds and State Funds Secondary criteria will include:

1. Priority for projects that meet both of the following conditions:
   1. The project is interconnected to the electricity grid within the distribution system, including an interconnection on the low side of a transmission substation; and
   2. The project contributes to meeting peak electricity demand. Examples may include systems with tracking systems or a portion of modules mounted with western orientation.
2. Priority for projects where a portion of the major components are made in Washington.
3. Priority for projects that improve the geographic distribution of awards under this program within the state. Geographic distribution will be based on congressional district boundaries, with priority if the project is the only project within a congressional district applying for a grant under this program.

## PROPRIETARY INFORMATION/PUBLIC DISCLOSURE

The applicant acknowledges that Commerce is subject to the Public Records Act and that the application and any future contract is a public record as defined in Chapter 42.56 RCW. Any specific information claimed by the applicant to be Proprietary Information must be clearly identified as such by the applicant. “Proprietary Information” means information owned by the applicant to which the applicant claims a protectable interest under law. Proprietary Information includes, but is not limited to, information protected by copyright, patent, trademark, or trade secret laws.

To the extent consistent with Chapter 42.56 RCW, Commerce will maintain the confidentiality of all such information marked Proprietary Information. If a public disclosure request is made to view the applicant’s Proprietary Information, Commerce will notify the applicant of the request and of the date that such records will be released to the requester unless the applicant obtains a court order from a court of competent jurisdiction enjoining that disclosure. If the applicant fails to obtain the court order enjoining disclosure, Commerce will release the requested information on the date specified.

## REVISIONS TO THE NOFO

In the event it becomes necessary to revise any part of this NOFO, an addenda will be posted on the [Commerce website](http://www.commerce.wa.gov/Programs/Energy/Office/Pages/Clean-Energy-Funds-2.aspx).

COMMERCE also reserves the right to cancel or to reissue the NOFO, in whole or in part, prior to execution of a contract.

## DISCLAIMER

COMMERCE will not be liable for any costs incurred by the Applicant in preparation of a proposal submitted in response to this NOFO, in conduct of a presentation, or any other activities related to responding to this NOFO.

This solicitation does not commit Commerce to award any funds, pay any costs incurred in preparing an application, or procure or contract for services or supplies. Only responses meeting all Mandatory Eligibility Criteria in Part One (internal review) of the application will be approved for further evaluation in Part Two of the Application. Commerce reserves the right to determine at its sole discretion whether the proposer's response to Mandatory Eligibility Criteria in Part One of the Application is sufficient to pass for Part Two (external technical) review. Commerce reserves the right to modify the award amount from that requested, negotiate with qualified applicants, cancel or reissue at any time without obligation or liability, or change the application guidelines for subsequent funding rounds. If there are changes to the proposed award notification schedule, applicants will be notified via email.

Grant and application guidelines, NOFO documents, as well as required documentation for applicant download, will be posted electronically using Commerce’s [Clean Energy Fund website](http://www.commerce.wa.gov/growing-the-economy/energy/clean-energy-fund/). Any amendments and addenda to the documents will be posted on the same site.

This solicitation will be distributed electronically to subscribers for Energy [email updates](https://public.govdelivery.com/accounts/WADOC/subscriber/new?pop=t) and by posting on Commerce’s [Clean Energy Fund website](http://www.commerce.wa.gov/growing-the-economy/energy/clean-energy-fund/). Applicants are responsible for checking the website for updates, amendments, and addenda. Commerce accepts no liability and will provide no accommodation for applicants who submit an application based on out-of-date solicitation documents.

## NO OBLIGATION TO CONTRACT

This NOFO does not obligate the state of Washington or COMMERCE to contract for services specified herein.

## COMMITMENT OF FUNDS

The Director of COMMERCE, or the Director’s Designee, is the only individual who may legally commit COMMERCE to the expenditures of funds for a contract resulting from this NOFO.  No cost chargeable to the proposed contract may be incurred before receipt of a fully executed contract

# APPLICATION EVALUATION

## EVALUATION PROCEDURE

The Applications will be reviewed by a panel selected by the Department of Commerce. Part One will be scored by an internal panel. The applications will be scored and ranked. The internal panel will provide recommendations for applications to proceed for Part Two external review. The external review team will score Part Two of the application and provide recommendations for funding. Commerce leadership will make all final funding decisions based upon the scoring results and review panel recommendations. Awards will be made via emailed award letters.

Applications determined to meet the mandatory eligibility criteria will proceed to Part Two review by the external panel. If the external panel recommends the project for funding, the projects recommended for funding will be ranked by the requested amount of funding, per unit of generating capacity of the proposed project, with funding award recommendations to be for the applicants requesting the lowest per-unit amount of funding..

## EVALUATION WEIGHTING AND SCORING

The following weighting and points will be assigned to the proposal for evaluation purposes. An internal team will review Part One of the application to determine if the mandatory eligibility threshold requirements are met and, and to score overall application quality. Part Two will be reviewed by a Commerce selected team of external reviewers for further evaluation,, project scoring, and funding recommendations. Points awarded for Part One and Part Two are separate of each other and are not cumulative.

|  |  |
| --- | --- |
| Minimum Scoring Criteria Categories for Part One Are As Follows: |  |
| Part One | Possible Points |
| Project location identified | 5 |
| Detail on meeting the minimum 500 kW of DC generating capacity provided | 5 |
| Historic preservation documentation | 5 |
| Direct benefits to low income residents or communities\* | 50 |
| Direct benefit narrative | 5 |
| Reduces peak electricity demand | 5 |
| Major Solar components manufactured in WA State | 5 |
| Total Possible | 80 |
| *\* of the “ask”, 1:1 (100%) = 10 pts, 2:1 (200%) = 20 pts, etc., with a total of 50 points possible* | |

|  |  |
| --- | --- |
| Minimum Scoring Criteria Categories for Part Two Are As Follows: |  |
| Part Two | Possible Points |
| Project description | 10 |
| Detail on meeting the direct benefit to low-income requirements\*\* | 100 |
| Project management expertise and track record | 5 |
| Reduction of peak electricity demand | 5 |
| Point of interconnection within the distribution system | 5 |
| Priority to major components (panels, modules, and inverters) made in WA | 5 |
| Detailed Budget Summary | 5 |
| Project Cost and Timeline | 5 |
| Total Possible | 140 |
| *\*\* of the “ask”, 1:1 (100%) = 10 pts, 2:1 (200%) = 20 pts, etc., up to 50 points. Additional points available for describing the low-income benefit, narrative aligning with claimed benefit, and other claimed benefits.* | |

## REJECTION OF APPLICATION

COMMERCE reserves the right at its sole discretion to reject any and all application received without penalty and not to issue a contract as a result of this NOFO.

## DEBRIEFING OF UNSUCCESSFUL APPLICANT

Upon request, a debriefing conference will be scheduled with an unsuccessful applicant. The request for a debriefing conference must be received by the NOFO Coordinator within three (3) business days after the Notification of Unsuccessful Applicant letter is sent to the applicant. The debriefing must be held within three (3) business days of the request.

Discussion will be limited to a critique of the requesting Applicants proposal. Comparisons between proposals or evaluations of the other proposals will not be permitted. Debriefing conferences may be conducted in person or on the telephone and will be scheduled for a maximum of one hour.

## PROTEST PROCEDURE

This procedure is available to Applicants who submitted a response to this solicitation document and who have participated in a debriefing conference. Upon completing the debriefing conference, the Applicant is allowed three (3) business days to file a protest of the acquisition with the NOFO Coordinator. Protests may be submitted by email but must be followed by the original document.

Applicants protesting this procurement shall follow the procedures described below. Protests that do not follow these procedures shall not be considered. This protest procedure constitutes the sole administrative remedy available to Applicants under this procurement.

All protests must be in writing and signed by the protesting party or an authorized agent. The protest must state the grounds for the protest with specific facts and complete statements of the action(s) being protested. A description of the relief or corrective action being requested should also be included. All protests shall be addressed to the NOFO Coordinator.

Only protests stipulating an issue of fact concerning the following subjects shall be considered:

* A matter of bias, discrimination or conflict of interest on the part of the evaluator
* Errors in computing the score
* Non-compliance with procedures described in the procurement document or COMMERCE policy

Protests not based on procedural matters will not be considered. Protests will be rejected as without merit if they address issues such as: 1) An evaluator’s professional judgment on the quality of a proposal, or 2) COMMERCE’S assessment of its own and/or other agencies’ needs or requirements.

Upon receipt of a protest, a protest review will be held by COMMERCE. The COMMERCE Assistant Director or an employee delegated by the Assistant Director who was not involved in the procurement, will consider the record and all available facts and issue a decision within five business days of receipt of the protest. If additional time is required, the protesting party will be notified of the delay.

In the event a protest may affect the interest of another Applicant that submitted a proposal, such Applicant will be given an opportunity to submit its views and any relevant information on the protest to the NOFO Coordinator.

The final determination of the protest shall:

* Find the protest lacking in merit and uphold COMMERCE’s action.
* Find only technical or harmless errors in COMMERCE’s acquisition process and determine COMMERCE to be in substantial compliance and reject the protest.
* Find merit in the protest and provide COMMERCE options which may include:
  + Correct the errors and re-evaluate all proposals
  + Reissue the solicitation document and begin a new process
  + Make other findings and determine other courses of action as appropriate

If COMMERCE determines that the protest is without merit, COMMERCE will enter into a contract with the initially identified successful Awardee(s). If the protest is determined to have merit, one of the alternatives noted in the preceding paragraph will be taken.

# ATTACHMENTS

## BUDGET PROVISO SECTION 1013 – SUBSECTION 9

9 (9) $1,600,000 of the state building construction account and

10 $2,400,000 of the energy efficiency account are provided solely for

11 grants to be awarded in competitive rounds for the deployment of

12 solar projects located in Washington State.

13 (a) Priority must be given to distribution side projects that

14 reduce peak electricity demand.

15 (b) Projects must be capable of generating at least five hundred

16 kilowatts of direct current generating capacity.

17 (c) Grants shall not exceed $200,000 per megawatt of direct

18 current generating capacity and total grant funds per project shall

19 not exceed $1,000,000 per applicant. Applicants may not use other

20 state grants.

21 (d) At least 25 percent of the total allocation of a project

22 shall be provided solely for projects that provide direct benefits to

23 low-income residents or communities. The department must attempt to

24 prioritize an equal geographic distribution.

25 (e) Priority must be given to major components made in

26 Washington.

## CERTIFICATION OF ORGANIZATION OFFICIAL

|  |  |
| --- | --- |
|  | Clean Energy Fund 3 CEF Solar Program Certification of Organization Official |

|  |
| --- |
| Project Title |
|  |
| Requested Grant Amount |
| $ |
|  |
| CERTIFICATION OF ORGANIZATION OFFICIAL  I certify, on behalf of (Organization name) that (Organization name) will adhere to all Federal,  State, and local laws and regulations that are applicable to the Clean Energy Fund 3  Solar Program. I will also ensure adherence to the operations of (Organization name) and the scope of the proposed project.  (Organization Name) has all necessary, current business licenses and regulatory approvals required in the state of Washington, including but not limited to current registration status with the Secretary of State and Department of Revenue.  I have read the OFM Finance Guidelines and will adhere to state prevailing wage laws, as applicable.  The project proposed in this application could not go forward at the scale or on the schedule proposed without the requested funding. (Organization name) will use any funds received under this request, to supplement, not to supplant, other funds.  (Organization Name) certifies it is not using any other state grants as part of this project. |
| Signature Date |
| Print Name Title |

## APPLICATION PROCESS SURVEY

Survey Questions

*The following questions are intended to help us improve our application process. Please indicate your agreement/disagreement with the following statements.*

*Your responses will not impact the evaluation of your application in any way.*

1: Strongly Disagree

2: Disagree

3: Neither Agree nor Disagree

4: Agree

5: Strongly Agree

|  |  |
| --- | --- |
| Name of Applicant: | |
|  | |
| Application Survey Questions | Responses |
| 1. The guidelines provided enough information on the program. |  |
| 1. The Bidders Conference was helpful introducing the application process |  |
| 1. The Notice of Funding Opportunity (NOFO) application instructions were clear. |  |
| 1. The NOFO application process was easy to follow. |  |
| 1. I was able to receive the assistance I needed from Commerce to complete the application. |  |
| 1. Commerce staff was timely in responding to process related inquiries. |  |
| 1. I had adequate time to prepare the application prior to the deadline. |  |
| 1. Given program requirements, the application process was reasonable. |  |