



GOVERNMENT OF BERMUDA  
MINISTRY OF PUBLIC WORKS  
MINISTRY OF ECONOMIC DEVELOPMENT

**RFQ: Project: Development of  
a 6MW<sub>AC</sub> Solar PV Facility at  
the Finger Point Location**

**Proponents' Questions & Answers  
1 September 2016**

#	Question from Proponent	Response
1	Can the Proponent rely on the audited financial statements of an affiliate (where the Proponent and affiliate are under 100% common ownership and control) to satisfy the requirements of 2.1 Financial Performance?	<p>Either the Proponent, applying as a single entity, or <b>at least one Partner</b> if applying in a Consortium must independently satisfy the requirements stipulated in 2.1 Financial Performance. The same conditions apply to the criteria in 2.2 Financial Qualifications, and 3.1 Specific Experience.</p> <p>A parent company whose full subsidiaries jointly satisfy the requirements of 2.1, 2.2, and 3.1 may submit qualifications as a single entity Proponent.</p> <p>Alternatively, a company wishing to qualify may apply in a consortium configuration in partnership with its affiliate company. In this scenario, one company would be designated Lead Partner, with authority to conduct all business for and on behalf of the Partners of the Consortium, from the solicitation process through to the execution of the contract. At least one Partner (not necessarily the Lead) would need to provide financial statements and complete form FIN-2.1 to satisfy the requirements for 2.1 Financial Performance. Likewise, at least one Partner (not necessarily the same Partner satisfying 2.1) would need to complete form FIN-2.2 to satisfy 2.2 Financial Qualifications. At least one Partner would also need to</p>

		provide qualifications showing it independently meets the criteria of 3.1 Specific Experience.
2	Based on the Proponent's fiscal calendar year, the most recent annual audited financial statement will be available in October 2016. Will the 2.1 Financial Performance requirements be satisfied by submitting 2 years of audited financials together with a 3 <sup>rd</sup> year of unaudited financials, if followed promptly with the formally audited 3 <sup>rd</sup> year of financials as soon as available in October 2016?	<p>Delayed full compliance with 2.1 Financial Performance may be accepted at the Government's discretion, provided the complete audited financial statements for fiscal year 2015-2016 were received in full by Friday, 14 October 2016. The 2 preceding years of audited financials and unaudited 3<sup>rd</sup> year financials must be included in the application submitted by the RFQ deadline.</p> <p>Eligibility criteria defined at RFQ stage will still hold at RFP stage. Proponents must still meet those criteria (RFQ Section III. Qualification Criteria and Requirements) for their proposal to comply and be considered in the bidding at RFP stage. Government reserves the right to disqualify any Proponent from submitting a Proposal to the RFP if it is found at any time to be non-compliant with the criteria and requirements laid out at RFQ stage.</p>
3	Re: Form FIN-2.1 (b) on p. 26, does the accountant opinion of a particular GAAP audit (typically accompanying such an audit) satisfy the requirement of (b) or is a separate certification/declaration of authenticity required?	The financial statements must include a signed affidavit from a certified accountant to attest to their accuracy. The form of such declaration is not prescribed.
4	If a Proponent is not required to maintain audited financial statements but otherwise readily meets or exceeds all Financial Performance and Eligibility Requirements, will the Gov't accept a detailed letter confirming the Proponent's financial health from an on-staff certified public accountant?	No, all Proponents must comply with the instructions and requirements in the RFQ. If a company cannot provide audited financial statements, it may apply in partnership with other entities as a Consortium, to meet the Financial Performance requirements.

5	Can the Proponent rely on the Specific Experience of an affiliate (that is under 100% common ownership and control) to satisfy the requirements of 3.1 Specific Experience?	<p>Either the Proponent, applying as a single entity, or <b>at least one partner</b> in a Consortium must independently satisfy the requirements stipulated in 3.1 Specific Experience.</p> <p>A parent company whose full subsidiaries jointly satisfy the requirements of 2.1, 2.2, and 3.1 may submit qualifications as a single entity Proponent.</p> <p>Alternatively, a company wishing to qualify may apply in a consortium configuration in partnership with its affiliate company. In this scenario, one company would be designated Lead Partner, with authority to conduct all business for and on behalf of the Partners of the Consortium, from the solicitation process through to the execution of the contract. At least one Partner (not necessarily the Lead) would need to provide qualifications showing it can on its own satisfy the requirements of 3.1 Specific Experience. Likewise, at least one Partner (not necessarily the Lead) would provide independent financial statements that satisfy the requirements for 2.1 Financial Performance, and idem for 2.2 Financial Qualifications.</p>
6	At any point, will any given RFQ Application including any and all information or attachments included be publicly disclosed?	All applications and the information attached therein will be kept confidential. A list of the qualified Proponents invited to submit proposals will be included in the RFP Invitation.
7	Re: Part 1 Section 1 – 24.2 Evaluation of Applications. What is the meaning of this statement regarding subcontractor naming and value of qualification thereof in terms of	As per the Qualification Data Sheet, ITP 23.3, <b>“Subcontractors will not be used to meet requirements</b>

	<p>Proponent evaluation? Is this evaluation referred to in 24.2 only for the RFQ qualification process? Or, does this mean that a Proponent will be precluded from naming a Subcontractor during the RFP stage? In other words, if you don't name a subcontractor now during the RFQ application stage, will the value of their inclusion later on in the process be null and void?.</p>	<p>under Section III. Qualification Criteria and Requirements.”</p> <p>Proponents may include information about subcontractors at RFQ stage if they choose to. Alternatively, Proponents may add information about subcontractors later, if invited to submit a proposal at RFP stage. As per Section 1. Instructions to Proponents (ITP) 2.5, “A Subcontractor in any application may participate in more than one application, but only in that capacity. <b>It is also not necessary to identify any Subcontractors at this stage in the process.</b>”</p>
<p>8</p>	<p>May a Partner of a Consortium that fails to qualify for the RFQ through the RFQ process subsequently be invited to be a Sub-Contractor by a Proponent (Individual or Consortium) that does qualify for the RFP?</p>	<p>As stated in Section 1. ITP 2.5:</p> <p><b>“Only one application. [...] No Proponent can be a Subcontractor to or for another Proponent or Consortium, while submitting an application individually or as a Partner of a Consortium in the same Qualification process.”</b></p> <p>Therefore, a Proponent that is judged to have insufficient qualifications through the RFQ (Qualification process), and is thus not invited to submit a proposal, may subsequently to that Qualification process join another Proponent’s Proposal as a Subcontractor. This would then occur during the RFP (Proposal stage).</p> <p>A Proponent may not be included as a Subcontractor on another Proponent’s application during the RFQ stage, while also submitting a separate application to the RFQ as a Partner of a Consortium.</p>

9	<p>The most recent RFP event on June 3<sup>rd</sup> led us to understand that a Consortium-based approach was preferred and encouraged. Will a Proponent that is a Consortium have any advantage over a Proponent that is a single entity?</p>	<p>No. The Government has no preference for the type of Proponent, whether a Consortium or a single entity.</p>
10	<p>With regard to point d) in the Application Submission Form, p. 3:</p> <p>“(d) We have examined and have no reservations on the Qualification Documents, including Addendum(s) No(s)., issued in accordance with Instructions to Proponents (ITP) Clause 7: <i>[insert the number and issuing date of each addendum]</i>”</p> <p>Could you specify what the clause means, providing an example of how it should be answered? We are not sure if it refers to the addendums that you request in the form (Articles of Incorporation, Audited accounting, etc) or it refers to the possible addendums that Bermuda Government may ask for in future as additional information.</p>	<p>Statement (d) in the Application Submission Form is included in case addenda to the RFQ are added before the deadline for submission, which is possible according to Section 1. Clause 7:</p> <p>“7.1 At any time prior to the deadline for submission of applications, the Government may amend the Qualification Document by issuing addenda; 7.2 Any addendum issued shall be part of the Qualification Document and shall be communicated in writing to all who have obtained the Qualification Document from the Government and posted on the its website.”</p> <p>Statement (d) serves as a declaration that the Proponent has read and agrees with the provisions and rules outlined in the RFQ documents, and with any possible addenda to these by the Government. If Government has not made an addendum at the time of submission of an RFQ application, Proponent may indicate “[none]”.</p>
11	<p>Item ITP 2.5 under “Part 1. Qualification Procedure: Section II. Qualification Data Sheet.” Please inform if there is a Firewall Agreement template pre-approved for this opportunity in case one is needed.</p>	<p>No, there is no Firewall Agreement template pre-approved for this procurement. As noted in QDS 2.5, the conditions that require a Firewall Agreement to be proposed and approved are defined as:</p> <p>(i) Consulting the Government on this Procurement;</p>

		<p>(ii) BELCO and/or an affiliate of the Ascendant Group.</p> <p>Any Proponent for which either of these apply must have had a Firewall Agreement approved by the Government before the RFQ submission deadline, for the RFQ application to be admissible.</p>
12	<p>Can the audited financial statements supporting the figures in forms FIN-2.1 and FIN-2.2 be in Euros?</p> <p>If yes, shall we fill the forms FIN-2.1 and 2.2 in Euros or shall we convert to \$US?</p> <p>If it is needed to convert the figures from € to \$US, what is the rate that shall be considered?</p>	<p>The audited financial statements supporting the figures in forms FIN-2.1 and FIN-2.2 may be submitted in Euros.</p> <p>The forms themselves may be filled out only in USD. The conversion rate should be the end-of-year exchange rate for whatever year the figures correspond to. The conversion rate used should be noted on the form.</p>
13	<p>How is the nationality of a Consortium determined if it has not been incorporated or registered at the time of qualification application submission? Does the Consortium have to be incorporated and registered prior to the qualification application submission? Schedule B suggests that this should be post submission – “...successful IPP will be required to incorporate a Project Company in Bermuda...”</p>	<p>The Section III Qualification Requirement 1.1: Eligibility and Nationality applies to the “existing or intended” Consortium. The Consortium may be incorporated subsequently to the RFP Process.</p> <p>As per Requirement 1.1, each Partner in the Consortium must meet the requirement.</p>
14	<p>What qualifies a person to be "duly authorized to sign on behalf of the Proponent", especially in the case of a Consortium?</p>	<p>The declaration included at the end of the Application Submission Form acts as a warranty that the person is duly authorized to sign the application for and on behalf of the Consortium.</p> <p>The authorized representative’s information must be included on the Proponent Information Form.</p>
15	<p>Are all Partners required to sign the Application</p>	<p>Only the duly authorized</p>

	Submission Form or only the duly authorized representative for the Consortium? If it is the duly authorized representative, does signing this count as the declaration that this person is duly authorized to sign on behalf of the Consortium?	representative for the Consortium is required to sign the Application Submission Form.
16	In the case of a Consortium that is not registered or incorporated, is the name and address of one of the Partners acceptable for the submission envelope? Should it be the Lead Partner?	Yes, the name and address of one of the Partners is acceptable for the submission envelope. It may be the address of the Lead Partner or another Partner in the Consortium.
17	In the Application Submission Form, are two contact persons for each of the three categories (general, technical and financial) required per Partner or for the Consortium?	Two contact persons for each category are required per Partner of each Consortium. As noted in the Form, "Applications by Consortia should provide on a separate sheet equivalent information for each partner (not required for subcontractors)."  The same person may be named as contact person in different categories for each Partner of a Consortium.
18	Are there other development plans for the property after the 20-year leasing period?	Plans for the property after the 20-year lease have not been determined at this time.
19	Section 1, 24.2 is inconsistent with Section 1, 23.3 regarding the evaluation of named subcontractors under Section III. Qualification Criteria and Requirements. Will subcontractors be used to evaluate the qualifications?	No, subcontractors will not be used to evaluate qualifications.  As per the Qualification Data Sheet, ITP 23.3, <b>"Subcontractors will not be used to meet requirements under Section III. Qualification Criteria and Requirements"</b> .
20	Does the O&M contractor have to be a registered Bermudian company or does it have to meet the 45% local labour requirements?	The O&M contractor must be a Bermudian company, as stated in Section VI, Schedule B.
21	How soon after submission of the RFQ Applications will Proponents be notified if they have qualified?	Proponents will be notified of their qualification status at the time of release of the RFP. The RFP will include an invitation to



		<p>qualified Proponents to submit a proposal.</p> <p>The RFP release date has not been confirmed.</p>
22	Please advise if there is a pre-approved Firewall Agreement template and, if so, where Proponents can obtain a copy.	See response to question 13 in this document.
23	If there is no pre-approved Firewall Agreement template, what are the terms and conditions that are expected to be included in the Firewall Agreement?	If the Proponent meets the conditions that require a Firewall Agreement (consulting the Government on this Procurement, or is BELCO/an affiliate of BELCO), the Proponent should contact the Government to arrange a satisfactory Firewall Agreement. The Government will at that point provide details of the terms and conditions required for the Firewall.
24	How long will it take to receive feedback (approval or non-approval) on the Firewall Agreement after submission?	Timeframes for approval or revision of a proposed Firewall Agreement are at the Government's discretion.
25	We estimate a 28 to 30-acre surface to fit the 6 MWac plant. Would it be possible to lease more land if the final design requires it?	The dimensions of the land to be leased have not been finalized. We have estimated that 15 acres will be required to develop the 6MWac facility. Technical specifications to be outlined in the RFP will provide greater detail to Proponents on the expected land area needed for the solar facility
26	Has the substation for interconnection already been commissioned or does it need to be constructed? If it needs to be constructed, what is the timeline for this?	The substation has been constructed.
27	Who will be responsible for gaining the right-of-way for the 1.4-mile interconnection line to the substation? Can this aspect be managed by the T&D company?	The Government will arrange right-of-way for the interconnection line.

28	Does the Government intend for qualified Proponents to independently conduct Feasibility Studies, or on the basis that the solar resource is a common factor, will the Government support the development of a single Feasibility Study and Resource Data Set from which the bidders develop their competitive bids?	<p>The Government has commissioned studies to assess the requirements of developing the site. The environmental fatal flaw analysis sought to identify if any site-specific, environmental, interconnection, or geotechnical challenges existed. A pre-feasibility technical assessment was conducted to assess the Project's approximate capacity, production, costs, and the specific design features to take into account.</p> <p>The Government is planning to conduct a further Phase I and Phase II site assessment to establish site preparation needs. Further information will be provided in the RFP.</p>
29	Does each Form require signature(s) or only the Application Submission Form?	Only the Application Submission Form includes signatures. The qualification forms FIN-2.1, FIN-2.2 and EXP-3.1 must attach signed declarations from authorized representatives and certified accountants where specified.
30	Please confirm if the only Consortium document required at this stage is the Letter of Intent.	Yes.
31	Please confirm that 'Proponent's Party Legal Name' is the same as the Consortium Name.	Yes, that is the same.
32	Are there a minimum amount of references required in regards to the technical experience?	The form EXP-3.1 must be completed for each Proponent or the Partner whose experience is used to demonstrate compliance with Section III. Criteria 3.1. This form must be filled out for as many solar facilities as is needed for the Proponent to demonstrate sufficient experience to comply with Criteria 3.1.

33	Could a declaration form for the authorized representative for the Special Technical Experience Form be provided to avoid any misunderstanding in the wording that the RFP requires.	No. The declaration must simply attest to the truth of the information enclosed in the form. The declaration must be made by an authorized representative of the Proponent.
34	Would a project portfolio be allowed as an attachment to the Special Technical Experience Form to display the experience?	No general marketing materials, brochures, and the like are permitted to be attached to the Application. All experience used to demonstrate compliance with Criteria 3.1 should be noted on the form EXP-3.1.
35	Is there any limitation in the equity stake % that any of the partners must have in the company providing the services?	The Partner who submits their audited financial statements in form FIN-2.1 is defined as the majority equity owner, and must have at least a 30 % equity stake in the Project Company.
36	The fee mentioned in Section 1 Clause 14 is not collected in the QDS. Please indicate if any fee is applicable for the eligibility process.	No fee is applicable for the RFQ process.
37	Our audited financials are 250 pages per year (equivalent to nearly 1000 pages in total x 6 copies.) Do you anticipate these in hard copy or can they be referenced in PDF format and delivered electronically?	In such a case, the audited financial statements may be submitted in electronic format, loaded onto a USB drive enclosed in the submission envelope. No files in response to the RFQ will be accepted via email.
38	We are currently reviewing your information on the Finger project and would like to ask a question regarding what lease is on offer with this project, if there will be cost associated with taking out a lease and for how long with the lease by available for?	Questions related to the lease along with information about other project agreements will be addressed in the RFP