

**InClima, Inc., on behalf of the New Mexico Public Regulation  
Commission**

**2022 Request for Proposals**

**For Construction and Operation of Community Solar Facilities, pursuant  
to the Community Solar Act and the Commission's Community Solar  
Rule**

Issue Date: November 3, 2022



**New Mexico  
Community Solar Program**

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Pursuant to New Mexico's Community Solar Act (herein referred to as the "Act"),<sup>1</sup> this Request for Proposals (RFP) seeks bids for the sale of energy and the transfer of renewable energy credits (RECs) from qualified community solar facilities in conformance with the Act. The facilities are to be wholly located in New Mexico. The term "community solar facility" is defined in section 62-16B-2(D) of the Act. This RFP is subject to the Act and subject to the New Mexico Public Regulation Commission's (the "Commission") Community Solar Rule, 17.9.573 NMAC. Though this document is labeled an RFP, it is not an RFP subject to New Mexico's Procurement Code, NMSA 1978, sections 13-1-21 et seq., as this RFP does not seek the procurement of goods or services for the State of New Mexico.

InClima, Inc., issues this RFP, as the Program Administrator of the statewide Community Solar Program (the "Program") established in the Act. NMSA 1978, § 62-16B-2(E); 17.9.573.12 NMAC.

In accordance with the Act, InClima Inc., is seeking proposals for the construction and operation of community solar facilities, with the total number of proposals accepted limited by the Act's initial statewide cap of 200 MW AC (alternating current) for the Community Solar Program. The initial program 200 MW AC cap is allocated among the three qualifying utilities according to "addressable market" estimations, subject to further refinement, as follows:

- 1) Public Service of New Mexico (PNM), 125 MW AC;
- 2) Southwestern Public Service Company (SPS), 45 MW AC; and
- 3) El Paso Electric Company (EPE), 30 MW AC.

An eligible respondent to this RFP (Respondent) is the Subscriber Organization for the proposed community solar facility and is responsible for the construction and operation of the facility. Proposals must comply with the Act and the Commission's Community Solar Rule, both of which are incorporated herein by reference, and must comply with the instructions provided herein.

Native American nations, tribes, and pueblos are exempt from law but may host, own, or operate Native Community Solar Facilities in New Mexico. Rural co-ops may choose to opt in, and the capacity is not included in the 200 MW cap.

Please provide all of the information requested in this RFP to enable the Program Administrator to properly evaluate your approach and viability as a Respondent for the sale of energy from a community solar facility. All information provided, and the extent of completeness, will be used to evaluate the bid.

The bids, RFP and all files, designs, specifications and other appended or related data become the property of the Commission and are delivered only for the purpose of enabling each potential Respondent to prepare and submit a proposal in response hereto. In the event that bid documents are considered confidential to the Respondent, the Commission reserves the right to retain bids and associated documents in accordance with Commission records retention policies but will deploy standard data management practices for secure and confidential information.

The Program Administrator will, in its discretion and without limitation, evaluate proposals and proceed in the manner the Commission deems appropriate, which may include deviation from the Commission's expected evaluation process (in accordance with Commission decisions, rules, and regulations), the waiver of any requirements and the request for additional information.

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<sup>1</sup> New Mexico Community Solar Act, NMSA 1978, § 62-16B-1 *et. seq.*

## Section 1. Introduction

The Program Administrator is issuing this RFP on behalf of the Commission, seeking bids to construct new solar renewable energy systems in New Mexico that meet the following minimum requirements:

- (1) The Respondent has legally binding site control with a binding contract or an option exercisable by the developer and signed by all parties. Bids that propose the use of state land are exempt from this requirement and will receive full points on this criterion during evaluation.
- (2) The Respondent commits to meet statutory subscriber minimums and not exceed statutory maximums.
- (3) The Respondent has completed a utility pre-application, equivalent pre-application report, or completed a system impact study pursuant to the Commission's interconnection rules.
- (4) The Respondent has provided proof of access to collateral for the applicable project deposit.
- (5) The Respondent has paid a \$1,000 non-refundable bid application fee to the Commission.
- (6) The system uses proven and UL-approved (or other nationally recognized testing laboratory) solar electric generation technology to generate electricity and meets applicable interconnection guidelines.
- (7) The system qualifies as a community solar facility per the Act.
- (8) The system has a gross nameplate capacity less than or equal to 5 MW AC.
- (9) The system will be located and interconnected on property wholly within the State of New Mexico, including Native lands.
- (10) For purposes of this RFP, the project must meet subscriber mandates and commitments within 12 months after the award has been announced and as a result must present a substantial completion timeline which allows for active subscribers within 12 months of project selection. "Substantial Completion" means the date that all construction and installation of the system is completed, and the system is ready to be commissioned at the full agreed-upon generation capacity, including, but not limited to, a set transformer, meter set request, and the respondent having requested scheduled witness tests for the system. Substantial Completion of the system should be achieved within 12 months of project selection to meet subscriber mandates. Extensions may be considered on a case-by-case basis and may require additional documentation and fees. The Program Administrator may consider the system incomplete and shall have the right to remove it from the Program with any associated capacity forfeited, and without any further financial or other obligation to the Respondent because of project delays that impacts meeting subscriber mandates and commitments at the Program Administrator's discretion. If the system does not meet the subscriber mandates and commitments by the target date, the Respondent's deposit (as is discussed in Section 4.7) will also be forfeited. The Program Administrator will comply with its response obligations to the Respondent under applicable rules, regulations, and tariffs with respect to interconnection, and to the extent that the Program Administrator fails to do so, the Respondent will receive a day-for-day extension to the required Substantial Completion date for each day of the Program Administrator's delay.
- (11) No single subscriber may be allocated more than 40 percent of the generating capacity of the community solar facility.
- (12) The Respondent must meet the 30% low-income subscription minimum for each facility operated by the Subscriber Organization. Each Subscriber Organization shall report to the Program Administrator on a monthly basis upon the organization's status with regard to this requirement. The Respondent must update subscriptions monthly upon the project's award date and quarterly once the self-selected subscriber requirement has been met. Subscriber

Organizations that have reached the required level shall report quarterly to verify that the requirement continues to be met. Subscriber Organizations that fail to reach the required level within one year of project selection may be subject, at the qualifying utility's, Commission's, or Program Administrator's discretion, to penalties up to and including suspension or revocation of the Subscriber Organization's authorization to operate.

(13) The Respondent must abide by the requirements set out in Section 3.1.

The Program Administrator invites bids from Respondents who are capable of meeting the requirements of the RFP.

The Program Administrator shall limit consideration of bids by any one bidder and its Affiliates to a maximum total for such bids of twenty percent of the statewide capacity cap allocated to the applicable utility. An "Affiliate" means, with respect to any entity, any other entity that, directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with each other or a third entity.

No utility shall use any information provided in the interconnection application process or any information to which the utility has superior access to gain an unfair advantage for itself or any utility-affiliated bidder in the project selection process.

This introductory section describes the type, amount and timing of solar resources sought in this Community Solar Facility RFP. Section 2 covers logistics such as where and when bids must be submitted, bid evaluation fees, and policies and procedures. Section 3 describes the bid submittal process. Section 4 addresses the evaluation process and assumptions. Section 5 provides requirements related to delivery and interconnection.

### 1.1 Resource Acquisition Objectives

During its 2021 session, the New Mexico Legislature passed Senate Bill 84, the "Community Solar Act," which was signed into law by the Governor on April 5, 2021, and codified by the New Mexico Compilation Commission at 62-16B-1 et seq., NMSA 1978 on June 18, 2021. The Act establishes a community solar program, allowing for the development of community solar facilities and providing customers of qualifying utilities with the option to access solar energy produced by a community solar facility in accordance with specific standards intended to provide equitable access and consumer protections to subscribers. In accordance with the Act, the Public Regulation Commission is seeking up to 200 MW AC in this initial solicitation for community solar facility developers.

### 1.2 Eligible Technologies

All solar electric generating systems wholly located and interconnected in qualifying utility certificated territory that qualify as community solar facilities under New Mexico law and the Commission Rules are eligible to bid into this RFP. The determination of whether any technology meets these criteria is at the sole discretion of Commission.

### 1.3 Interconnection

Interconnections shall follow the qualifying utility's rules on interconnection procedures and standards (17.9.568 NMAC). Subscriber Organizations may only apply for interconnection for a project after such project is selected through this RFP. The Respondents will be responsible for entering into an Interconnection Agreement with the utility for each proposed community solar facility prior to energy

production from the solar generating system.

The solar generating system installation under this RFP must connect to a qualifying utility's electric system.

For successful Respondents, the utility will provide to the Respondent an estimate of the interconnection costs for each installation site. The Respondent is responsible for paying the utility the full amount of any interconnection cost and maintaining adequate process and communication so as to enable successful interconnection under the standard utility operating procedures without impacting community solar facility required timelines. This information can be found on each utility's website. Previous costs incurred or estimated costs for interconnection of community solar facilities are in no way representative of the size or amounts of future interconnection or substation upgrade costs that may be incurred by the Respondent for the interconnection of its proposed community solar facility.

Due to the number of cumulative bids, award recipients for community solar facilities, and existing interconnection applications, limited capacity may be available at certain substations or over certain distribution lines without substantial upgrades being necessary. Multiple data requests and bids may be received on a substation or feeder serving the bid location. No queue positions shall be set prior to a date on which the interconnection application associated with the community solar facility award is deemed complete.

A utility must consider interconnection applications for community solar projects that have been selected by the Program Administrator and any projects from the wait list that replace any selected projects and need not consider interconnection applications for community solar projects that have not been selected or have not replaced selected projects. Among the group of interconnection applications for community solar projects that have been selected by the Program Administrator or have replaced selected projects, a utility must prioritize consideration of applications in the order of ranking by points awarded to each project in the selection process. A utility shall not apply any preference for interconnection applications for community solar projects as opposed to other types of interconnection applications, and vice-versa, regarding prioritization in the interconnection queue.

Respondents are encouraged to submit a pre-application data request to obtain relevant and readily available distribution system information that may help identify possible constraints to interconnection. Pre-application data requests for other sites are not reflected in re-application data request results.

Respondent will be solely responsible for complying with any and all applicable laws, regulations, tariffs, rules, decisions, technical requirements, and guidance (including the utility's policies and procedures) with respect to interconnection of the proposed system.

## 1.4 Special Conditions Related to Community Solar Facility Subscribers

The retail customer who is a community solar facility subscriber will continue to purchase the energy used at their premises from the utility at the standard tariff rate. The retail customer will be credited on their bill a calculated dollar amount based on their portion of the energy generated at their proposed community solar facility project at the rate specified in the utility's community solar facility tariff. The customer's annual bill credit and the current year fixed rates will be stated in the community solar facility service tariff.

Respondents set their own price and terms for solar energy benefits sold to the retail customer/community solar facility subscriber from the solar installation. Respondents must enter into the Interconnection Agreement and Subscriber Organization Producer Agreement with the utility.

If a community solar facility is not fully subscribed in a given month, the unsubscribed energy may be rolled forward on the community solar facility account for up to one year from its month of generation and allocated by the subscriber organization to subscribers at any time during that period. At the end of that period, any undistributed bill credits shall be removed, and the unsubscribed energy shall be purchased by the qualifying utility at its applicable avoided cost of energy rate as approved by the Commission. The utility shall document any payments made for unsubscribed energy, including documentation of the utility's calculation of avoided cost and make such documentation available to the Commission upon request. The utility may request recovery of such payments in its next base rate case.

Selected Respondents must keep their subscriber information current on a monthly basis from the awarded date. Each subscriber organization shall report to the Program Administrator monthly the organization's compliance with the statutory 30% low-income subscription minimum and any additional self-selected subscriber requirements that were associated with the project bid for each facility operated by the subscriber organization. Respondents must also make the subscriber list available to the Program Administrator upon request, subject to non-disclosure through the Program Administrator's portal. The subscriber information must be updated in the utility's and the Program Administrator's online portal before the last 5 business days of the month and must state the percentage share owned by the community solar facility subscriber, the effective date of the ownership of that percentage share.

## 1.5 System Production Data

The Subscriber Organization shall pay for a production or net meter to be used to measure the amount of electricity and renewable energy certificates generated by each community solar facility. A net meter may serve as the production meter if the utility determines that there is no material onsite load at the facility.

The Subscriber Organization shall provide real-time reporting of production as specified by the utility. For a community solar facility with production capacities greater than 250 kW AC, the subscriber organization shall provide real-time electronic access to production and system operation data to the utility.

Production from the facility shall be reported to the subscribers by the Subscriber Organization on at least a monthly basis and subject to an audit by the Program Administrator. Subscriber Organizations are encouraged to provide website access to subscribers showing real-time output from the facility, if practicable, as well as historic production data.

If a net meter is deemed appropriate to serve as a production meter, it will be installed by the utility at the Respondent's sole cost. The community solar facility site shall be designed and constructed such that the utility will have direct access to the production or net meter at all times.

The Respondent will be responsible for providing an active telephone or data line and related equipment necessary to provide the utility real-time access to 15-minute interval data stored at the production meter or net meter regarding the renewable energy produced by the community solar facility. In the event that the Respondent also collects meteorological data at the community solar facility site, such meteorological



data shall also be made available to the utility on a real-time basis.

## Section 2. Proposal Logistics

### 2.1 Schedule

As shown on the following schedule, the Program Administrator will issue the RFP on November 3, 2022. Bids may be submitted no earlier than December 1, 2022 and are due no later than 4:00 PM, Mountain Prevailing Time on January 30, 2023. The Commission and Program Administrator will aim to announce the bid winners on or about March 31, 2023 but reserve the right to announce the winners before or after that date. The Program Administrator will hold an informational “Respondents’ Meeting” within approximately 2 weeks of the issuance of the RFP.

Activity	Date
Issue Date	November 3, 2022
Bid Window Opens	December 1, 2022
Bid Window Closes	January 31, 2023 at 4:00 PM Mountain Prevailing Time
Targeted Award Announcement Date	March 31, 2023
Subscriber Mandates and Commitments Fulfillment date	12 months from project award date.

### 2.2 Proposal Submission

All proposals will be accepted until 4:00 P.M. Mountain Prevailing Time on the date indicated in Section 2.1. All proposals must be completed via the Program Administrator’s electronic portal at [www.csnewmexico.com](http://www.csnewmexico.com).

Proposals received later than the due date and time indicated will be rejected, unless the Program Administrator determines, in its discretion, to consider such proposals.

### 2.3 Information Policy

To obtain additional information about this RFP, Respondents may submit only written requests. These requests should be sent to the Program Administrator at [admin@csnewmexico.com](mailto:admin@csnewmexico.com).

The Program Administrator will maintain a log of all inquiries and coordinate the preparation of a written response. Once a response is prepared, the Program Administrator will post the information on the website. The Program Administrator has established this information policy to ensure that all Respondents have the same knowledge about the bidding process.

In addition, the Program Administrator will hold an informational, “Respondents’ Meeting” within approximately two weeks of issuance of the RFP. At this meeting, the Program Administrator will accept questions from Respondents and provide feedback or indicate a timeframe for feedback to questions. After the meeting, the Program Administrator will post all responses to questions from the meeting on the Program website.

## 2.4 Respondent Fees

Respondents must include a non-refundable bid application fee of \$1,000 with each community solar facility proposal which must be received by the Commission by 4:00 PM Mountain Prevailing time on the closing day of the bid window. Instructions on how to pay the bid application fee will be provided on the Program website once the bid window opens. If any Respondent provides more than one forecast of energy production, or more than one interconnection location, an additional bid evaluation fee must be provided, as each variant will be considered a unique bid. Failure to provide sufficient bid evaluations fees will result in the rejection of the bid and forfeiture by the Respondent of the bid evaluation fee provided.

For each bid selected to proceed further by the Program Administrator, the Respondent shall pay an application fee in the amount of \$2,500 for each megawatt of nameplate capacity the proposed facility is expected to have. Instructions on how to pay the application fee will be provided upon bid selection.

## 2.5 Bid Information

All bids must include a complete set of information noted in Appendix A of this RFP for each bid via the Program Administrator's electronic portal. Using the Program Administrator's online portal will ensure consistency in bid submission, interpretation, and evaluation by the Program Administrator. If a Respondent is submitting more than one proposal, a separate application must be submitted for each bid.

## 2.6 Clarification of Bids

While evaluating bids, the Program Administrator may request additional information about any item in the bid. Such requests will be made in writing, usually via e-mail. The Respondent is required to provide a written response to the Program Administrator at [admin@csnewmexico.com](mailto:admin@csnewmexico.com) within five (5) business days, or the Program Administrator may deem the Respondent to be non-responsive and stop evaluating the bid. To facilitate meeting the five-day response timeframe, the Program Administrator encourages Respondents to provide one or more alternate points of contact for these questions, with e-mail being the preferred method of communication.

## 2.7 Conditions of RFP

This RFP does not commit the Commission or Program Administrator to pay any costs incurred in the preparation of a bid in response to this RFP or to procure or contract for any services offered in response to this RFP. The Program Administrator reserves the right to modify or withdraw this RFP, to negotiate with all qualified Respondents to resolve technical or contractual specifications, and/or to reject any or all bids and to terminate consideration of a bid or bids at any time. The Program Administrator reserves the right to evaluate bids and proceed in the manner it deems appropriate, which, in accordance with applicable Commission decisions, rules, and regulations, may include deviation from the expected evaluation process. The Program Administrator, Commission and their affiliates shall not be liable to any Respondent or other party in law or equity for any reason whatsoever for any acts or omissions arising out of or in connection with this RFP. By submitting its bid, each Respondent waives any right to challenge any valuation by the Commission of its bid or any determination of the Program Administrator to select or reject its bid. Each Respondent, in submitting its bid, irrevocably agrees and acknowledges that it is making its bid subject to and in agreement with the terms of this RFP and that it has not and will not engage in any anti-competitive conduct related to its bid, including, without limitation, improperly using any confidential information of any other person, collusion with any other bidder, attempting to influence the outcome of this RFP in any manner that does not comport with Commission rules and the terms of this RFP, or submitting a bid that it does not intend in good faith to honor in accordance with Commission rules and the terms of this RFP. Each Respondent shall be liable for all of its costs incurred to prepare, submit, respond or negotiate its

bid and any resulting agreement and for any other activity related thereto, and neither the Program Administrator nor Commission shall not be responsible for any of the Respondent's costs.

Prior to bid acceptance, the Program Administrator reserves the right to:

- (1) Request from Respondents information that is not explicitly detailed in this document;
- (2) Reject any or all bids;
- (3) Reject any bids that, at the Program Administrator's, are not complete or contain irregularities, are not responsive, or waive irregularities in any bid that is submitted;
- (4) Reject bids for reasons other than price or energy production;
- (5) Reject any or all bids due to a presumption of collusion between Respondents or any anti-competitive conduct;
- (6) Obtain clarification from Respondents concerning bids; and
- (7) Conduct discussions with selected Respondents concerning the development of the proposed community solar facility.

## 2.8 Confidentiality

Any confidential information provided to, or developed by, the Respondent in the performance of the contract resulting from this RFP shall be kept confidential and shall not be made available to any individual or organization by the Respondent without the prior written approval of the Commission.

The Respondent agrees to protect the confidentiality of all confidential information and not to publish or disclose such information to any third party without the procuring Commission's written permission.

## 2.9 Withdrawal of or Addenda to RFP

The Program Administrator reserves the right to modify, supplement or withdraw this RFP by issuing one or more addenda at any time during this solicitation. Such addenda shall become a part of this RFP and any additional responses required of Respondents by any such addenda shall become part of each bid.

## Section 3. Bid Submittal

### 3.1 Minimum Bid Eligibility Requirements

This section lists the minimum requirements that all bids must meet to be eligible to participate in this solicitation. Bids that do not comply with these requirements will be deemed ineligible and will not be considered for further evaluation.

- (1) Bids must include all content requirements described in Section 3.2, including clear and complete answers for all information requested, and completed via the Program Administrator's online portal.
- (2) Bids must clearly specify all credit rates in accordance with Section 1.4.
- (3) Bids must demonstrate an acceptable level of development and technology risk, as determined by the Program Administrator.
- (4) Bids must provide any formal warning or disciplinary letters from other programs including any warning or disciplinary letters provided to any partners they plan to work with in the market.
- (5) Respondents must provide the non-refundable \$1,000 application fee with each proposal submitted (as further described in Section 2.4). Note that for each bid selected to proceed further by the program administrator, Respondents must provide the non-refundable application fee of \$2,500 for each megawatt of nameplate capacity the proposed facility is expected to have (as further described in Section 4.9).
- (6) Subscriber Requirements – All projects shall have a maximum commitment of 40% of community solar facility capacity from a single subscriber; minimum commitment of 30% of community solar facility capacity from eligible low-income subscribers or eligible low-income service organizations. Bids must provide a subscriber acquisition plan that details how the minimum commitment will be met and maintained throughout the duration of the project. Any commitments above the requirements shall receive additional consideration for every 5% additional commitment over the requirement, up to 50%. If, during the term, the project fails to meet such minimum subscriber commitments, the shortfall in such commitments in aggregate will be treated as unsubscribed energy. Bids must provide formal warnings or disciplinary letters from other programs including those of any partners working on the project regarding subscriber acquisition or management as well as any escalated complaints.
- (7) Interconnection Site Moves are Prohibited – Project bid characteristics will remain as originally bid. Bids will be limited to a single site/parcel and point of interconnection. A wait list will be maintained to backfill any awarded bid capacity that has been withdrawn or vacated by the bidder. Further details of the wait list are provided in Section 4.9.

### 3.2 Bid Content Requirements

This section outlines the content and format requirements for all bids submitted in response to this RFP. Bids that do not include the information requested in this section will be ineligible for further evaluation unless the information requested is not applicable or relevant to a given bid. If it appears that certain information is inadvertently omitted from a bid, the Program Administrator may contact the Respondents to obtain the additional information.

The bid must contain details of the bid's characteristics, including any unique aspects or benefits, as well as the information included in Appendix A. All information must be entered into the online application on the New Mexico Community Solar portal run by the Program Administrator. The application will contain

essential information about each bid, and a separate set of related information must be submitted with each bid. Additionally, the bid must include other information under specific topic headings.

A complete bid will include the following three components:

(1) Completed online application

Appendix A of this RFP document includes detailed descriptions of the application, as well as any special instructions for completing the application.

- Bid Certification and Anti-Collusion
- Technical Description
- Supply Amount
- Subscriber Mix Commitment
- Bid Submittal Checklist

(2) Topics Discussion

In addition, each bid must also include responses to additional questions via the Program portal which may fall under the following topics:

- Development Experience, including community solar facilities
- Proposed Community Solar Facility Description
- Energy Production Profile
- Siting and Permitting Plan
- Operations and Maintenance Plan

***Developer Experience.*** All bids must provide information on the Respondent's qualifications and experience in developing, constructing, commissioning and operating generation facilities similar to the proposed facility within the United States within the last five (5) years.

If an engineering, procurement, and construction team is in place, the bid should identify the members of the team; if such a team is not in place, the bid must set forth the Respondent's plan for assembling such team (including process and timing).

***Proposed Community Solar Facility Description.*** All bids must set out a description of the proposed community solar facility, including:

- (1) Interconnection point of facility location
- (2) Technology and equipment used for generation
- (3) Project development milestones

The project development milestones should include (at a minimum) entering major equipment and construction subcontracts, target completion dates for financing, site acquisition/control, engineering, permitting, equipment procurement, construction, startup and commissioning, and dates for system operation. Bids must provide a development timeline that will meet the 12-month subscriber requirement set forth in this RFP. If bids are awarded, Respondent agrees to provide the Program Administrator a quarterly update up to monthly in respect to subscribers of these milestones reflecting current community solar facility progress and timing or other updates of this information, as requested by the Program Administrator, so as to ensure a common understanding of customer subscriber impacts and interconnection requirements. Respondents are advised that submission of such schedules is informational only and does not replace or

supersede any portion(s) of the interconnection process and procedures or the Subscriber Organization Producer Agreement.

**Energy Production Profile.** All bids must provide information on expected annual energy (MWh) production. Each Respondent must provide the inputs and assumptions used in the calculation of this estimate as well as an indication of what application, if any, was used in the calculation of this estimate. The proposed county in which the development will be located and expected point of interconnection should be used in calculating the estimated production profile of the facility.

**Permitting Plan.** Bids must describe and list all permits and approvals that will be required for the county in which the project will be located.

- Zoning permit
- Variance approvals
- Building permits
- Land use permit

**Subscriber Mix Commitments.** Bids are required to provide a breakdown of the percentages of facility capacity committed to eligible low-income community solar facility subscribers or eligible low-income service organizations. The combined percentage of low-income subscribers must be at least 30% of the capacity in kW AC to meet the RFP minimum requirement. No more than 40% of the capacity may be allocated to a single subscriber. At least 40% of subscription shares are to be limited to 25 kW AC or less. Bids must provide subscriber acquisition plan that details how the minimum commitment will be met and maintained throughout the duration of the project.

**Operations and Maintenance Plan.** Respondents shall provide a full description of the operations and maintenance plans and labor arrangements for the generation facilities associated with their bids. This description should also include the expected costs and the financing of these costs.

## Section 4. Evaluation Process and Assumptions

The bid evaluation process will include an assessment of various factors as described through this section. The criteria will be used to reduce the number of eligible bids to within the approved range. Any commitments or bid criteria that lead to the assignment of points, and that thereby influence the RFP award, are binding on Respondent (if the bid is awarded) for the full term of the community solar facility contract, and failure to maintain such commitments or meet such criteria may result in treatment of energy as unsubscribed, termination or other remedies that the utility may be permitted to exercise to protect its customers and the integrity of the RFP solicitation.

The Program Administrator shall select projects based upon the qualifications below and selection criteria within each qualifying utility's territory until the allocated capacity cap for each utility has been reached.

Eligible bids shall be scored using a set of non-price factors, with each factor weighted by the number of points awarded to the factor, as follows (note that total possible points do not equal 100):

Criteria	Points
<b>Project Viability</b> ( <i>additive</i> )	<b>40</b>
<b>Project Permitting</b> ( <i>one designation possible</i> )	<b>15</b>
A bid for which all necessary non-ministerial permits and approvals have been secured, based upon a permitting plan signed by a licensed engineering firm, shall be categorized as fully permitted	15
A bid for which applications are pending for all necessary non-ministerial permits, or for which one or more permits have been granted and applications are pending for the remainder, based upon permitting plan signed by a licensed engineering firm, shall be categorized as permits known and pending	10
A bid for which the necessary non-ministerial permits have been identified based upon a permitting plan signed by a licensed engineering firm, but not all such permits have been applied for, shall be categorized as permits known	5
A bid for which the necessary non-ministerial permits have not been identified, based upon a permitting plan signed by a licensed engineering firm, shall be categorized as no permitting activity	0
<b>Developer Experience</b> ( <i>additive</i> ) A description of each partner or principal's experience must be provided, including the names, locations, sizes, and current status of projects as well as a detailed description of their role in the project. Low-income experience must include a detailed description of the low-income programs, number of subscribers, and outcomes of projects the partners or principals were involved in.	<b>10</b>
A bid made by a bidder composed of partners or principals having experience with subscriber recruiting and subscription management	3
A bid made by a bidder composed of partners or principals having experience building and operating facilities	3
A bid made by a bidder composed of partners or principals having experience working directly with low-income communities	4
<b>Financing Status</b> ( <i>one designation possible</i> )	<b>10</b>



A bid for which financing has been secured, whether in the form of an executed commitment letter from the project financier(s) or in the form of written confirmation of executive-level approval for internal financing, shall be categorized as financing secured. Financing may be contingent on a project's selection into this program, but no other financing contingencies are acceptable. The Program Administrator reserves the right to request additional financial information from internal or third-party financiers to determine if they are able to provide the financing promised.	10
A bid for which financing has not been secured but for which a detailed and feasible financing plan has been prepared shall be categorized as financing planned	4
A bid for which financing has not been secured and for which no detailed and feasible financing plan has been prepared shall be categorized as financing unplanned	0
<b>Interconnection Viability (additive)</b>	<b>5</b>
A bid for which the proposed project site's distance to the utility's nearest 3-phase line is less than one mile, as demonstrated by the utility's pre-application report or convincing alternative evidence presented by the bidder	2
A bid for which the proposed project would interconnect to a line of voltage 12 kV or higher, as demonstrated by the utility's pre-application or similar report	3
<b>Subscriber Mix (additive)</b>	<b>27</b>
<b>Low-income carve out</b>	<b>8</b>
A bid including a commitment to exceed the statutory 30-percent minimum level of subscription of low-income subscribers shall be awarded 2 points for each additional 5-percent commitment above the 30-percent minimum, up to a maximum of 8 points for a commitment to a 50-percent low-income subscription level for the proposed project	
<b>Direct-billed low-income</b>	<b>10</b>
A bid including a commitment to serve a specific percentage of direct-billed low-income customers shall be awarded 4 points for a 10-percent commitment and 2 additional points for each additional 10-percent commitment, up to a maximum of 10 points for a commitment to a 40-percent subscription level of direct-billed, low-income subscribers for the proposed project	
<b>Additional subscriber costs</b>	<b>2</b>
A bid including a commitment to refrain from imposing upon any potential low-income subscriber any up-front costs of subscribing, a commitment to refrain from imposing upon any potential low-income subscriber any early termination fee, and a commitment to refrain from requiring or ordering any credit check or credit report for any low-income subscriber	
<b>Credit discount</b>	<b>7</b>
(A bid including a commitment to supplement the community solar bill credit for any low-income subscriber, for a minimum period of five years, by including, in addition to the credit as calculated and provided by the utility, a credit from the subscriber organization to the subscriber in the amount of an additional 20 to 30 percent of the utility solar bill credit, shall be awarded 4 points for a commitment of 20 percent up to and including 22 percent, 5 points for a commitment above 22 percent up to and including 25 percent, 6 points for a commitment above 25	

percent up to and including 27 percent, or 7 points for a commitment above 27 percent up to and including 30 percent. The bid must include a copy of the subscriber contract(s) that will be utilized to fulfill this requirement.

<b>Community &amp; Local Benefits <i>(additive)</i></b>	<b>20</b>
<b>Workforce training, educational opportunities</b>	<b>6</b>
A bid including a commitment to offer workforce training or educational opportunities to disproportionately impacted communities. The exact nature of this commitment, including a description of the programs, a description of the eligible participants and target audience, and the amount of funding that will be devoted to the programs must be provided. The number of points assigned to this category will be based on the amount of commitment demonstrated toward the category goals.	
<b>Contract with local businesses/racial minorities/women/veterans/Native Americans <i>(additive)</i></b>	<b>6</b>
A bid including a commitment to contract for materials, supplies, or services only with businesses owned or operated locally or owned or operated by members of racial minorities, women, veterans, or Native Americans. The terms “owned or operated” means that at least 50% of the ownership of a for profit organization or 50% of the board members of a non-profit organization must be a member of the required group. The term “owned or operated locally” is defined as meeting the requirements of Section 13-1-22 NMSA 1978 and holding a resident business, resident veteran business, resident contractor or resident veteran contractor certification under this section.	
A bid including a commitment to contract for materials only with businesses owned or operated locally or owned or operated by members of racial minorities, women, veterans, or Native Americans.	2
A bid including a commitment to contract for supplies only with businesses owned or operated locally or owned or operated by members of racial minorities, women, veterans, or Native Americans.	2
A bid including a commitment to contract for services only with businesses owned or operated locally or owned or operated by members of racial minorities, women, veterans, or Native Americans.	2
<b>Community-based</b>	<b>2</b>
A bid including a commitment to ownership of the proposed facility by members of the local community. Members of the local community are defined as individuals living within 50 miles of the facility. The percentage ownership by members of the local community must be provided, with at least 50% ownership by members of the local community required to earn the points in this section.	
<b>Existing and continuing relationship</b>	<b>6</b>
A bid including evidence of and a description of an existing and continuing partnership with a tribe, pueblo, local community, or non-profit community organization. A written agreement must be provided which details the nature of this partnership. Points will be awarded on a sliding scale based on depth of the partnership and the benefits provided.	
<b>Site Characteristics <i>(additive)</i></b>	<b>5</b>
<b>Existing site use</b>	<b>2</b>

A bid for a project to be sited on a brownfield, built environment, or rooftop	
<b>Public land</b>	<b>1</b>
A bid for a project to be sited on municipal, county, or State land	
<b>Analysis from Department of Cultural Affairs</b>	<b>2</b>
A bid for a project that has received a favorable analysis from the Department of Cultural Affairs	
<b>Bonus Points</b> <i>(additive)</i>	<b>14.20</b>
<b>Procurement Preferences</b> <i>(one designation possible)</i>	<b>9.20</b>
Each bid shall be categorized according to the provisions of Section 13-1-21 NMSA 1978 (section D), and shall be awarded points accordingly:	
Respondent is a resident contractor or Native American resident contractor (maximum +7.36 points (8% of 92))	7.36
Respondent is a resident veteran contractor or Native American resident veteran contractor with an annual gross revenue up to \$6,000,000 in preceding tax year (maximum + 9.2 points (10% of 92))	9.20
Respondent is neither a resident contractor, Native American resident contractor, resident veteran contractor, or Native American resident veteran contractor (+0 points)	0
<b>Innovative commitment</b>	<b>5</b>
The Program Administrator may award an additional 5 points to any bid that, as determined by the Program Administrator in its discretion, includes an innovative commitment or provision beneficial to the local community, to potential subscribers, or to the program overall.	
<b>TOTAL POINTS</b>	
<i>Maximum without bonus points</i>	<b>92</b>
<i>Maximum with bonus points</i>	<b>106.2</b>

## 4.1 Eligibility Screening

The information provided in each bid will first be evaluated for completeness and consistency with the proposal submittal requirements outlined in Section 3 of this RFP. Community solar facilities must interconnect directly to the utility system. Incomplete bids, including those that do not respond to one or more of the requirements described in Section 3 may be eliminated from contention without further notice.

Low-income subscribers who are eligible to meet the 30-percent carve out of Section 62-16B-7(B)(3) NMSA 1978 may be pre-qualified based on participation in any of the following programs:

- (1) Medicaid;
- (2) Supplemental Nutrition Assistance Program (SNAP);
- (3) Low-Income Home Energy Assistance Program (LIHEAP);
- (4) first-time homeowner programs and housing rehabilitation programs; living in a low-income/affordable housing facility; or
- (5) state and federal income tax credit programs.

An entire multi-family affordable housing project may prequalify its entire load as a low-income subscriber.

For the initial period of the program, the Program Administrator is contracting with an experienced service provider to partner with community organizations and to manage an outreach program to attract low-income subscribers to the program.

#### 4.2 Subscriber Mix

Each bid shall be awarded points for including any, some, or all the following commitments beyond what is required by the statute, with the commitments being additive, not exclusive, for a range of 0 to 25 potential points per bid:

- (a) A bid including a commitment to exceed the statutory 30-percent minimum level of subscription of low-income subscribers shall be awarded 2 points for each additional 5-percent commitment above the 30-percent minimum, up to a maximum of 8 points for a commitment to a 50-percent low-income subscription level for the proposed project;
- (b) A bid including a commitment to serve a specific percentage of direct-billed low-income customers shall be awarded 4 points for a 10-percent commitment and 2 additional points for each additional 10-percent commitment, up to a maximum of 8 points for a commitment to a 40-percent subscription level of direct-billed, low-income subscribers for the proposed project;
- (c) A bid including a commitment to refrain from imposing upon any potential low-income subscriber any up-front costs of subscribing, a commitment to refrain from imposing upon any potential low-income subscriber any early termination fee, and a commitment to refrain from requiring or ordering any credit check or credit report for any low-income subscriber, shall be awarded 2 points; and
- (d) A bid including a commitment to supplement the community solar bill credit for any low-income subscriber, for a minimum period of five years, by including, in addition to the credit as calculated and provided by the utility, a credit from the subscriber organization to the subscriber in the amount of an additional 20 to 30 percent of the utility solar bill credit, shall be awarded 4 points for a commitment of 20 percent up to and including 22 percent, 5 points for a commitment above 22 percent up to and including 25 percent, 6 points for a commitment above 25 percent up to and including 27 percent, or 7 points for a commitment above 27 percent up to and including 30 percent.

#### 4.3 Local Community Benefits

Each bid shall be awarded points for having any, some, or all of the following attributes concerning benefits to local communities, to disproportionately impacted communities, or to disadvantaged groups, with the attributes being additive, not exclusive, for a range of 0 to 20 potential points per bid:

- (a) A bid including a commitment to offer workforce training or educational opportunities to disproportionately impacted communities shall be awarded 6 points;
- (b) A bid including a commitment to contract for materials, supplies, or services only with businesses majority-owned or operated locally or owned or operated by members of racial minorities, women, veterans, or Native Americans, shall be awarded up to 6 points;
- (c) A bid including a commitment to ownership of the proposed facility by members of the local community shall be awarded 2 points; and
- (d) A bid including evidence of and a description of an existing and continuing partnership with a tribe, pueblo, local community, or non-profit community organization shall be awarded 6 points.

#### 4.4 Site Characteristics

Each bid shall be awarded points for having any, some, or all of the following attributes concerning the proposed project site, with the attributes being additive, not exclusive, for a range of 0 to 5 potential

points per bid:

- (a) A bid for a project to be sited on a brownfield, built environment, or rooftop shall be awarded 2 points;
- (b) A bid for a project to be sited on municipal, county, or State land shall be awarded 1 point; and
- (c) A bid for a project that has received a favorable analysis from the Department of Cultural Affairs shall be awarded 2 points.

#### 4.5 Additional Points

Each bid shall be categorized according to the provisions of Section 13-1-21 NMSA 1978 and shall be awarded points accordingly.

The Program Administrator may award an additional 5 points to any bid that, as determined by the Program Administrator in its discretion, includes an innovative commitment or provision beneficial to the local community, to potential subscribers, or to the program overall.

#### 4.6 Evaluation Team

A third-party Program Administrator has been employed to evaluate and select bids.

#### 4.7 Notification of Bid Results

The Program Administrator intends to notify Respondents of the results of the bid evaluation and begin contract development as indicated in the table provided in Section 2.1 but reserves the right to announce the winners before or after that date. The Program Administrator may stagger the announcement of bid notifications in order to allow higher scored bids the opportunity to obtain interconnection queue position ahead of lower scored bids. As a result, the announcement of winners may take place over a period of time. The staggering of bid notifications does not guarantee interconnection queue position. The Program Administrator will make the appropriate communication to these bid awardees. This will enable projects with higher bid scores to begin the completeness review and the interconnection study process earlier than lower scoring bids. Utilities will not accept community solar facility interconnection applications prior to a project having received written notification of award. Bidders are strongly encouraged to begin preparing interconnection application documents so they are ready for any bid awards received, and ensure all document requirements are met upon first submission as bid awards alone do not provide any interconnection queue position or assurance. Details on interconnection application requirements can be obtained from each investor-owned utility.

#### 4.8 Post-bid Requirements

For each bid selected to proceed further by the Program Administrator, the bidder shall pay an application fee in the amount of \$2,500 for each megawatt of nameplate capacity the proposed facility is expected to have. This payment must be received by the Commission within 30 days of notification of the award. Instructions on how to pay the application fee will be provided upon bid selection.

The Program Administrator will maintain a wait list for each qualifying utility, including projects with combined capacities equal to each utility's allocated capacity cap. Projects shall be moved from the waitlist into the queue of selected projects when capacity greater than or equal to the next project on the waitlist is available. Each bidder proposing a waitlisted project shall pay the \$2,500/MW application fee within 30 days of notification that the project has been selected from the waitlist. If a bidder does not pay this application fee within 30 days of notification of being selected the project will be removed from the

program and the next project on the waitlist will be selected.

Each Subscriber Organization's ongoing authorization to operate community solar facilities shall be dependent upon the organization's compliance with the statutory 30% low- income subscription minimum for each facility operated by the subscriber organization. Each subscriber organization shall report to the Program Administrator on a monthly basis upon the organization's progress toward meeting the requirement. Subscriber Organizations that have reached the required level shall report on a quarterly basis to verify that the requirement continues to be met. Subscriber organizations that fail to reach the required level within one year of the commercial operation date may be subject, at the qualifying utility's, Commission's, or Program Administrator's discretion, to penalties up to and including suspension or revocation of the Subscriber Organization's authorization to operate.

The Respondent must use the adopted uniform disclosure form provided by the Program Administrator as well as follow all disclosure form mandates. The disclosure form will not be released for Public consumption ahead of project selections. Subscriber Organizations cannot offer subscriptions without first presenting completed disclosure. The disclosure form must be executed ahead of any subscription agreement. The form identifies the information to be provided by subscriber organizations to potential subscribers, in both English and Spanish, and when appropriate, Native or indigenous languages, to ensure fair disclosure of future costs and benefits of subscriptions, key contract terms, security interests and other relevant but reasonable information pertaining to the subscription, as well as grievance and enforcement procedures. The key contract terms to be disclosed on the form are:

- (1) Subscription Size (kW AC),
- (2) Estimated Contract Effective Date,
- (3) Contract Term (months or years),
- (4) Option to Renew (Yes/No),
- (5) Enrollment Costs/Subscription Fees,
- (6) Payment Terms,
- (7) Rate Discount,
- (8) Estimated Total One Year Payments,
- (9) Early Termination Fees or Cancellation Terms, and
- (10) Subscription Portability or Transferability.

The Subscriber Organization shall provide the form to a potential subscriber and allow them a reasonable time to review the form's disclosures and sign the form before entering into a subscription agreement. The Subscriber Organization shall maintain in its files a signed form for each subscriber for the duration of the subscriber's subscription, plus one year, and shall make the form available to the Program Administrator via the New Mexico Community Solar program portal.

The Subscriber Organization must maintain a minimum level of general liability insurance coverage for each facility that it operates, with the minimum level dependent upon the nameplate capacity of the facility, according to the following schedule. Proof of this insurance must be provided to the Program Administrator when asked:

- \$1 million per occurrence for a facility with a capacity greater than 250 kW,
- \$500,000 per occurrence for a facility with a capacity in the range of 40 kW - 250kW, and
- \$300,000 per occurrence for a facility with a capacity below 40 kW.

In accordance with required reporting to the legislature due on November 1, 2024, the Program Administrator may issue specific information requests to Subscriber Organizations.

Upon completion of all listed steps, the bid will be entered into the Program Queue. Completion of any individual step does not indicate acceptance into the Program Queue. If the community solar facility site location changes from what is initially proposed, the community solar facility will be removed from the Program Queue.

Failure to meet post-bid requirements may result in suspension from the program.

#### 4.9 System Location

Upon award of the bid the Respondent must submit a permanent location for the system described in the interconnection application that matches the location awarded in the RFP bid. The location of community solar facilities shall not be considered to be co-located with another community solar facility if it is not located on the same parcel as another community solar facility. For any parcel that has been subdivided in the two years prior to a community solar project bid, all subdivided parcels shall be considered a single parcel for the purposes of this rule. The Commission will consider, on a case-by-case basis, allowing more than one community solar facility to be located on the same parcel.

The system must be located in the service territory of the qualifying utility and be interconnected to the electric distribution system of that qualifying utility.

#### 4.10 Posting of Winning Bids

After the selection and notification of the winning Respondents, the Programmer Administrator shall cause to be posted on the program website a subset of or in total the following information applicable to each Bid selected:

- (1) Geographic location of the community solar facility, including any or all of the following once finalized: address, latitude and longitude, position on a map or other location designation;
- (2) Electrical connectivity information such as substation name, transformer number, and feeder number;
- (3) Nameplate capacity of the awarded community solar facility;
- (4) System tracking (fixed axis, single axis for example);
- (5) Name of the community solar facility owner, community solar facility parent organization, and/or community solar facility subscriber organization (if different than the community solar facility owner); and
- (6) Contact information (e-mail address and telephone number) of the community solar facility owner or community solar facility subscriber organization.

## Section 5. Delivery and Interconnection

### 5.1 REC Delivery Requirements

The point of delivery for the energy and RECs in response to this RFP will be the interconnection point of the community solar facility installation.

Successful Respondent(s) will be responsible for providing documentation necessary to obtain interconnection of their community solar facility installation at each facility.

### 5.2 Utility Interconnection Study

Respondents must submit a pre-application review or an interconnection study request.

Respondents may also contact the appropriate qualifying utility with questions.

Respondents should note that, for any bids selected through this RFP, the winning Respondents will be required to submit an Interconnection Application and Interconnect Study Fee and enter into an Interconnection Agreement with the utility.

### 5.3 Interconnection Queue

Positions in the interconnection queue will be determined by the date and time stamp of the interconnection request as defined in 17.9.568 NMAC, only if the Respondent has met the requirements of the community solar facility application process outlined in Section 4 of this RFP.



## Appendix A. Bid Certification and Anti-Collusion

All bids must include a completed Bid Certification and Anti-Collusion statement signed by an officer or other authorized employee of the Respondent. This will be completed and signed in the Program Administrator's portal and will certify that the information in the bid is accurate, that the Respondent agrees to be bound by the terms and conditions contained in the RFP, and that the Respondent has not engaged in anti-competitive conduct.

### Bid Certification and Anti-Collusion

The Respondent hereby certifies that all of the statements and representations made in this proposal are true to the best of the Respondent's knowledge and belief, and agrees to be bound by the representations, terms, and conditions contained in the RFP. The Respondent hereby certifies that no collusion has occurred with other bidding parties and that Respondent has not otherwise engaged in any anti-competitive conduct in connection with this RFP. The Respondent accepts the contract included in the RFP. This section may be executed by electronic signature and/or may be delivered via electronic means (including pdf or any electronic signature complying with the U.S. federal ESIGN Act of 2000) or other transmission method and any counterpart so delivered shall be deemed to have been duly and validly delivered and be valid and effective for all purposes.

Submitted by: (legal name of firm)

Respondents: (if different than above)

Signature of an officer of Respondents:

Print or type name of officer:

Title:

Date

## Appendix B. Subscription Agreements

### Subscription Agreements

Each Subscriber Organization shall develop and implement a written subscriber agreement containing the organization's terms and conditions for subscribing to its project. Each Subscriber Organization shall provide a copy of the agreement they intend to use to acquire subscribers for the project, marketing materials, and overview of enrollment process associated with the offer.

The subscriber agreement must include the following terms, at a minimum:

- (1) general project information;
- (2) the effective date and term of the agreement;
- (3) identification of all charges and fees;
- (4) payment details;
- (5) information about the bill credit mechanism;
- (6) a comparison of the subscriber's net bill with and without the subscription;
- (7) the terms and conditions of service;
- (8) the process for customer notification if the community solar facility is out of service;
- (9) the customer protections provided;
- (10) contact information for questions and complaints; and
- (11) the Subscriber Organization's commitment to notify the subscriber of changes that could impact the subscriber.