

**Request for Proposals**  
**LEASE OF MUNICIPAL REAL ESTATE**  
**FOR THE CONSTRUCTION, OWNERSHIP, OPERATION,**  
**AND MAINTENANCE OF A CARBONATE FUEL CELL POWER FACILITY**

**OVERVIEW**

The purpose of this Request for Proposals (“RFP”) is to solicit proposals for the lease of a portion of real property owned by the City of Derby (the “City”) to a qualified respondent that has the license and ability to construct, own, operate and maintain a carbonate fuel cell power facility on a portion of real property owned by the City identified as parcel ID 9-6 & 8 6 & 17 and commonly known as 49 Coon Hollow Road, Derby, Connecticut (the “Property”).

The subject leased premises will consist of a land area in the southern section of the Property referred to as “the old dog pound area” consisting of approximately 13,000 square feet +/- depicted on the map attached hereto and located outside the existing high voltage transmission line easement.

Respondents must demonstrate experience siting, owning and operating similar carbonate fuel cell power facilities, have the ability to install such a facility in accordance with the 2020 Shared Clean Energy Facility Program, meet all minimum evaluation criteria, must submit a signed Memorandum of Understanding and must include all requested documentation.

The successful respondent must comply with all applicable laws of the State of Connecticut and the City, including but not limited to any zoning and wetland regulations.

In accordance with section 22 of the Charter of the City, a lease shall be awarded to the highest responsible bidder and founded on sealed bids based upon the terms and conditions determined by the Board of Aldermen / Alderwomen and as detailed in the attached proposed Memorandum of Understanding.

In accordance with Conn. Gen. Stat. §7-163e (a), the City shall hold a public hearing on the lease of the Property prior to final approval of such lease. Since it has been determined that an in-person public hearing cannot be held without risking the spread of the COVID-19 virus, the public hearing shall be held on May 13, 2021 at 7 p.m. via Zoom (the “Public Hearing”). Respondents should contact the Town Clerk at (203) 736-1462 prior to May 13, 2021 to obtain the link to participate in the public hearing.

Notice of the hearing shall be published in a newspaper have a general circulation in the City at least at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing.

The municipality shall also post a sign conspicuously on the Property.

### **Instructions**

1. Failure to complete the enclosed forms, answer any questions, or provide the required documentation will result in the proposal being deemed non-responsive and the rejection of the proposal, unless the City determines that such failure constitutes a minor informality.
2. All requests for clarification and any questions about information contained in this RFP must be submitted in writing and emailed to:

Andrew Baklik, Chief of Staff  
City of Derby  
1 Elizabeth Street  
Derby, Connecticut 06418

**EMAIL ADDRESS:** [abaklik@derbyct.gov](mailto:abaklik@derbyct.gov)

No requests for clarification or questions will be accepted after 12 p.m. on May 3, 2021. The name, address, email address, telephone number and fax number of the person to whom such additional information shall be sent must be provided by the respondent.

3. One original and ten (10) copies of the responses to this RFP must be received by the City in the Mayor's office by 11 a.m. on May 7, 2021. Proposals must be delivered to the City in a sealed package, plainly marked "RFP – Proposal for Lease – Carbonate Fuel Cell Power Facility"
4. The submission shall include a cover letter on company letterhead signed by a person who is authorized to bind the respondent to the proposal, including the respondent's name, address, email address and telephone number. It should state the subject as "Lease of Municipal Property" and should state the name, title, email address and phone number of the organization's primary contact person for the RFP if such person is someone other than the signer of the letter.
5. The submission shall also include a completed proposed Memorandum of Understanding, signed by the respondent, and in a form that is substantially similar to the proposed Memorandum of Understanding attached to this RFP.
6. The respondent must attest to having no outstanding or overdue tax, lien, or fine obligations to the City. The City may elect to deem a submission non-responsive if the submission fails to comply with specific requirements of this solicitation. The City reserves the right to reject any and all proposals in its sole discretion, and to decline to offer or withdraw the RFP for the property.
7. The respondent (firms and principals) must identify and describe any current,

pending or threatened litigation against them related to their business or real estate dealings. The respondent must attest to having no litigation pending or contemplated against the City.

8. Respondents may correct, modify, or withdraw proposals in writing not less than 48 hours prior to the proposal opening. Only written communications will be accepted and considered. Corrections or modifications must be in a sealed envelope clearly marked as "Modification to Proposal of [respondent's name] for RFP – Proposal for Lease – Carbonate Fuel Cell Power Facility." Only written communications will be accepted and considered. Emails and faxes are not acceptable.
9. Proposals will remain in effect until the action of the Board of Aldermen / Alderwomen following the close of the Public Hearing.
10. The City reserves the right to reject all submissions and cancel this RFP.

#### **Conflict of Interests; City Representatives Not Individually Liable.**

No member, official or employee of the City shall have any personal interest, direct or indirect, in the lease that is the subject of this RFP nor shall any such member, official, or employee participate in any decision relating to the purchase, which affects his/her personal interests or the interests of any corporation, partnership or association in which he/she is, directly or indirectly, interested. No member, official, or employee of the City shall be personally liable to the respondent (s), or any successor(s) in interest, in the event of any default or breach by the City of for any amount, which may become due to the respondent(s) or successor(s) or on any obligations under the terms of the lease.

#### **Land Use and Disposition Controls**

- Zoning for this site under the current City standard is Public and Semi-Public (P) zone.
- Zoning Map of the City site is P District: Public and Semi-Public zone.

#### **Selection Process Schedule**

The following schedule represents the anticipated timeline for the selection of the proposal, which may be altered by the City as the need arises:

- |  |                |
|--|----------------|
| • RFP formally announced and distributed | April 23, 2021 |
| • Deadline for all questions             | May 3, 2021    |
| • Deadline for receipt of proposals      | May 7, 2021    |

## **Selection Committee**

All proposals will be reviewed and evaluated by the Mayor, Economic Development Liaison, Chief of Staff, Corporation Counsel and Board of Aldermen/Alderwomen. Proposals will be reviewed and evaluated based upon information contained in the respective submission package.

The committee may request supplemental information when it determines the necessity, including business and personal financial statements from any of, all, or none of the respondents. Financial statements and other business confidential information will not be subject to disclosure under Freedom of Information law. If information protected from disclosure under the Connecticut FOIA is to be kept confidential, a respondent should specify such information, place such information in a separate envelope appropriately marked, and submit such information with its proposal.

In accordance with Conn. Gen. Stat. §7-163e (a), the City shall hold a public hearing on the lease of the property prior to final approval of such lease. Since it has been determined that an in-person public hearing cannot be held without risking the spread of the COVID-19 virus, the public hearing shall be held on May 13, 2021 at 7 p.m. via Zoom .

A respondent may be disqualified if any principal or officer of the respondent, or any member of its team, has been charged or convicted of a crime chargeable as a felony within the last five (5) years. Any such restriction shall be revealed in the formal cover letter.

Upon written notification, the respondent recommended by the Board of Aldermen/Alderwomen following the close of a public hearing will have a period of ten (10) days within which to satisfy itself as to the suitability of the Property for the intended purpose.

The City will provide the selected respondent with appropriate access to the property under the terms of an Access Agreement, for appropriate inspections and testing. The selected respondent will be required to provide appropriate insurance and indemnification, and if necessary, restore the premises to its prior condition after such testing.

**EXHIBIT A**

**Description**

