

Linden Hawk Rise Solar, LLC

LINDEN LANDFILL

Building a Cleaner Future

February 5, 2020

VIA EMAIL & CERTIFIED MAIL, R.R.R.

State of New Jersey
Board of Public Utilities
Attn: Ariane Benrey
44 South Clinton Avenue 9th Floor
Trenton, NJ 08625-0350
Ariane.benrey@bpu.nj.gov

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BOARD OF PUBLIC UTILITIES
TRENTON, NJ

**Re: Community Solar Energy Pilot Program, Program Year 1 Application
BPU Docket No. QO18060646
Request for Confidential Treatment of Certain Portions of Application for awarded
community solar project Docket No. QO19091148 5MW Linden Landfill, Linden NJ, PSE&G
Territory**

Dear Ms. Benrey:

Linden Hawk Rise Solar, LLC ("Applicant") respectfully requests that the redacted portions of its Program Year 1 Application (the "Application") be treated by the Board of Public Utilities ("NJBP") as confidential for perpetual duration pursuant to N.J.A.C. 14:1-12.

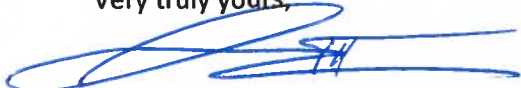
In accordance with N.J.A.C. 14:1-12.8, Applicant represents that it takes measures to prevent disclosure of the redacted portions of the Application, through such means as not providing such information publicly or to other government agencies. In addition, Applicant requires that those limited parties with which it does share the information execute and comply with Non-Disclosure Agreements.

In further accordance with NJAC 14:1-12.8, Applicant represents that the redacted information concerns its competitive position and contains proprietary commercial and financial information. If such information were made publicly available, Applicant would potentially suffer great harm to its ability to be a competitive player in the marketplace. As a result, Applicant may not be able to build solar projects in New Jersey or elsewhere and/or hire and retain New Jersey residents as employees

For the reasons hereinto stated which are attested to by the enclosed Affidavit, Applicant respectfully requests that the NJBP honor its request to maintain the confidentiality of the redacted portions of the Application.

Please do not hesitate to contact me should you have any questions.

Very truly yours,



Cc: Elizabeth McKeever, Corporate Counsel

AFFIDAVIT

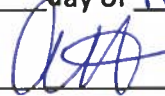
I hereby certify that I am personally acquainted with the facts contained in the foregoing letter requesting confidential treatment of certain portions of Applicant, LLC's Program Year 1 Application in the Community Solar Pilot Program (BPU Docket No. QO18060646) and they are true and correct to the best of my knowledge and belief.



John Ervin
Business Development Manager

Sworn to and subscribed to before me this

5TH day of February, 2020.



Notary Public

ASHANTE S. HANKINS
NOTARY PUBLIC OF NEW JERSEY
Commission # 50104136
My Commission Expires 4/30/2024



HATHAWAY SOLAR, LLC

COMMUNITY SOLAR APPLICATION FOR
THE PROPOSED SOLAR FACILITY AT THE
LINDEN LANDFILL

ORIGINAL COPY

REDACTED VERSION



2. Complete sections B and C, and Appendix A in full. All questions are required to be answered, unless explicitly marked as optional. All attachments are required, unless explicitly marked as optional. All attachments must be attached to the end of the Application Form, therefore forming a complete application package. Note that attachments marked as optional will be considered if included, but their absence will not penalize an Application.
3. Original signatures on all forms and certifications of this Application Form are required. The certifications contained in section C must be notarized.
4. Specific exemptions are identified throughout the Application Form which apply only if: 1) the Applicant is a government entity (municipal, county, or state), AND 2) the community solar developer will be selected by the Applicant via a Request for Proposals ("RFP"), Request for Quotations ("RFQ"), or other bidding process. If this is the case, the Applicant must include a letter describing the proposed bidding process, and the Applicant should complete all sections of the Application Form based on the project as it will be designed in the bidding process. The Applicant must further commit to issuing said RFP, RFQ, or other bidding process within 90 days of the proposed project being approved by the Board for participation in the Community Solar Energy Pilot Program (see section B. XIII. Special Authorizations and Exemptions).

III. Terms and Conditions

General Terms and Conditions

1. The "Applicant" is defined as the entity that submits the Community Solar Energy Pilot Program Application Form (for example, an Applicant may be a project developer, project owner, project operator, property owner, contractor, installer, or agent thereof).
2. Prior to completing the Application Form, the Applicant must carefully review the rules at N.J.A.C. 14:8-9, and any other rules, regulations, and codes applicable to the design, construction, and operation of a community solar project in New Jersey. All Applications must be in compliance with all local, state and federal rules, regulations and laws. Furthermore, submission of an Application Form does not obviate the need for compliance with all applicable local, state, and federal laws and regulations at any time during the design, construction, operation, and decommissioning of a community solar project including, but not limited to, regulations by commissions such as the New Jersey Highlands Council and the New Jersey Pinelands Commission.
3. By submitting an Application, the Applicant acknowledges notice on behalf of all project participants that the information included in the Application is subject to disclosure under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Aggregated information may be used by the Board and/or other state, federal, county, regional or local agencies in reports and evaluations, and the geographic location may be used to update Geographic Information System ("GIS") mapping. Applicants may identify sensitive and trade secret information that they wish to keep confidential by submitting them in accordance with the confidentiality procedures set forth in



Milestones and Follow-Up for Approved Projects

11. Should the proposed community solar project be approved by the Board for participation in the Community Solar Energy Pilot Program, such approval will be contingent on the project being constructed and operated as was proposed in its Application.

Furthermore, pursuant to the rules at N.J.A.C. 14:8-9.3(c), approved projects are expected to begin construction within 6 months of their approval by the Board, and are expected to become fully operational within 12 months of their approval by the Board. Extensions may be granted by Board Staff at its discretion, based on its assessment of the specific circumstances of each project approved.

In order to monitor compliance, approved projects will be required to submit updates to the Board:

- a. Prior to the beginning of construction, the Applicant must provide evidence that commitments in the following categories have been met: project location, community and environmental justice engagement, other benefits.
- b. Prior to applying for permission to operate ("PTO"), the Applicant must provide evidence that commitments in the following categories have been met: siting (other than location), all permits received.
- c. Prior to applying to the EDC for allocation of bill credits, the Applicant must provide evidence that commitments in the following categories have been met: product offering, subscriber type, geographic limit within EDC service territory.

If the approved project fails to be completed as proposed in the Application, and the Applicant fails to remediate the failure or provide an equivalent modification within a reasonable timeframe, the project may be penalized up to and including a withdrawal of the permission to operate in the Community Solar Energy Pilot Program.

Special Considerations for Project Siting

12. Unless the proposed community solar facility is located on a rooftop, parking lot, or parking structure, the Applicant must meet with the NJDEP's Office of Permit Coordination and Environmental Review ("PCER") to determine what permits may be required and to identify other potential issues. More information is available at: <http://www.nj.gov/dep/pcer>. The Applicant must have completed the NJDEP Permit Readiness Checklist and submitted said Checklist to NJDEP PCER prior to submitting the Application to the Board (see section B. VIII. Permits). The Permit Readiness Checklist is available at the following link: <https://www.nj.gov/dep/pcer/introchecklist.htm>.
13. Special attention should be paid when siting a project on a landfill, a brownfield, or an area of historic fill. For reference, NJDEP's *Guidance for Installation of Solar Renewable Energy Systems on Landfills in New Jersey* can be found at the following link: <https://www.nj.gov/dep/dshw/swp/solarguidance.pdf>.
14. The Applicant should review the environmental compliance history at the proposed site and the various operations that were conducted there. Satisfaction of all outstanding NJDEP regulatory



Section B: Community Solar Energy Project Description

Instructions: Section B must be completed in its entirety. Any attachments should be placed at the end of the Application package.

I. Applicant Contact Information

Applicant Company/Entity Name: Hathaway Solar LLC
First Name: John Last Name: Ervin
Daytime Phone: 732-354-2184 Email: jervin@csenergy.com
Applicant Mailing Address: 2045 Lincoln Highway
Municipality: Edison County: Middlesex Zip Code: 08817

- Applicant is: Community Solar Project Owner Community Solar Developer/Facility Installer
 Property/Site Owner Subscriber Organization
 Agent (if agent, what role is represented) _____

II. Community Solar Project Owner

Project Owner Company/Entity Name (complete if known): Hathaway Solar, LLC
First Name: John Last Name: Ervin
Daytime Phone: 732.354.2184 Email: jervin@csenergy.com
Mailing Address: 2045 Lincoln Highway
Municipality: Edison County: Middlesex Zip Code: 08817

III. Community Solar Developer

This section, "Community Solar Developer," is optional if: 1) the Applicant is a government entity (municipal, county, or state), AND 2) the community solar developer will be selected by the Applicant via a RFP, RFQ, or other bidding process. In all other cases, this section is required.

Developer Company Name (optional, complete if applicable): Hathaway Solar, LLC
First Name: John Last Name: Ervin
Daytime Phone: 732.354.2184 Email: jervin@csenergy.com
Mailing Address: 2045 Lincoln Highway
Municipality: Edison County: Middlesex Zip Code: 08817

- The proposed community solar project will be primarily built by:
 the Developer a contracted engineering, procurement and construction ("EPC") company



Community Solar Site Coordinates: 74°14'43.88"W Longitude 40°36'10.01"N Latitude

Total Acreage of Property Block and Lots: 174 acres

Total Acreage of Community Solar Facility: 17 acres

Attach a delineated map of the portion of the property on which the community solar facility will be located. In the electronic submission, two copies of the delineated map should be provided: 1) as a PDF document, and 2) as a design plan in drawing file format (.dwg) or as a shapefile (.shp), in order to facilitate integration with Geographic Information System (GIS) software.

EDC electric service territory in which the proposed community solar facility is located: *(select one)*

- Atlantic City Electric Jersey Central Power & Light
 Public Service Electric & Gas Rockland Electric Co.

Estimated date of project completion* *(The Applicant should provide a good faith estimate of the date of project completion; however, this data is being collected for informational purposes only.):* December (month) 2020 (year)

Project completion is defined pursuant to the definition at N.J.A.C. 14:8-9.3 as being fully operational, up to and including having subscribers receive bill credits for their subscription to the project.

The proposed community solar facility is an existing project* Yes No

If "Yes," the Application will not be considered by the Board. See section B. XIII. for special provisions for projects having received a subsection (t) conditional certification from the Board prior to February 19, 2019.

*Existing project is defined in N.J.A.C. 14:8-9.2 as a solar project having begun operation and/or been approved by the Board for connection to the distribution system prior to February 19, 2019.

VII. Community Solar Facility Siting

1. The proposed community solar project has site control* Yes No

If "Yes," attach proof of site control.

If "No," the Application will be deemed incomplete.

*Site control is defined as property ownership or option to purchase, signed lease or option to lease, or signed contract for use as a community solar site or option to contract for use as a community solar site.

2. The proposed community solar facility is located, in part or in whole, on preserved farmland* Yes No

If "Yes," the Application will not be considered by the Board.



If "Yes," attach a copy of the Response Action Outcome ("RAO") issued by the LSRP or the No Further Action ("NFA") letter issued by NJDEP.

9. The proposed community solar facility is located, in part or in whole, on an area of historic fill Yes No
 If "Yes," have the remedial investigation requirements pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-4.7 been implemented? Yes No
 Has the remediation of the historic fill been completed pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-5.4? Yes No
 If the remediation of the historic fill has been completed, attach a copy of the Response Action Outcome ("RAO") issued by a Licensed Site Remediation Professional ("LSRP") or the No Further Action ("NFA") letter issued by NJDEP.
10. The proposed community solar facility is located on a parking lot Yes No
11. The proposed community solar facility is located on a parking deck Yes No
12. The proposed community solar facility is located on a rooftop Yes No
13. The proposed community solar facility is located on a canopy over an impervious surface (e.g. walkway) Yes No
14. The proposed community solar facility is located on the property of an affordable housing building or complex Yes No
15. The proposed community solar facility is located on a water reservoir or other water body ("floating solar") Yes No
16. The proposed community solar facility is located on an area designated in need of redevelopment Yes No
 If "Yes," attach proof of the designation of the area as being in need of redevelopment from a municipal, county, or state entity.
17. The proposed community solar facility is located on land or a building that is preserved by a municipal, county, state, or federal entity Yes No
 If "Yes," attach proof of the designation of the area as "preserved" from a municipal, county, or state entity.
18. The proposed community solar facility is located, in part or in whole, on forested lands Yes No



If "No," the Application will be deemed incomplete. Exception: Applications for community solar projects located on a rooftop, parking lot, or parking structure are exempt from this requirement.

2. The Applicant has met with NJDEP's PCER Yes No

If "Yes," attach proof of a meeting with NJDEP PCER.

If "No," the Application will be deemed incomplete. Exception: Applications for community solar projects located on a rooftop, parking lot, or parking structure are exempt from this requirement.

3. Please list all permits, approvals, or other authorizations that will be needed for the construction and operation of the proposed community solar facility pursuant to local, state and federal laws and regulations. Include permits that have already been received, have been applied for, and that will need to be applied for. The Applicant may extend this table by attaching additional pages if necessary. These include:

- a. Permits, approvals, or other authorizations from NJDEP (i.e. Land Use, Air Quality, New Jersey Pollutant Discharge Elimination System "NJPDES", etc.) for the property.
- b. Permits, approvals, or other authorizations from NJDEP (i.e. Land Use, Air Quality, NJPDES, etc.) directly related to the installation and operation of a solar facility on this property.
- c. Permits, approvals, or other authorizations other than those from NJDEP for the development, construction, or operation of the community solar facility (including local zoning and other local and state permits)

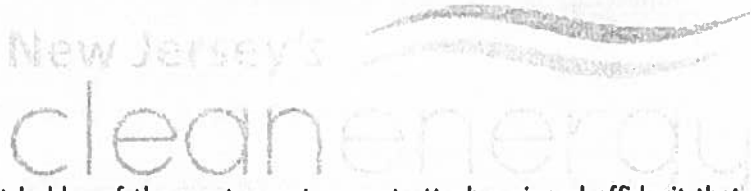
An Application that does not list all permits, approvals, or other authorizations that will be needed for the construction and operation of the proposed community solar facility will be deemed incomplete.

If a permit has been received, attach a copy of the permit.

Permit Name & Description	Permitting Agency/Entity	Date Permit Applied for (if applicable) / Date Permit Received (if applicable)
Closure Plan Modifications	NJDEP	
Freshwater Wetlands LOI	NJDEP	
Wetlands General Permit, as applicable	NJDEP	
Transition Area Waiver, as applicable	NJDEP	
Site Plan approval	City of Linden	
Plan Certification	Union County SCD	
Site Plan Approval	Union county Planning board	
NJDEP 5G3	NJDEP	
Building Permit	NJ DCA / Linden	
Electrical Permit	NJ DCA / Linden	
FHA Permit, As applicable	NJ DEP	
Road Opening Permit, as required	City of Linden	
DEP Landfill Dig Permit	NJ DEP	

Additionally, the affordable housing provider must attach a signed affidavit that the specific, substantial, identifiable, and quantifiable long-term benefits from the community solar subscription will be passed through to their residents/tenants.

7. This project uses an anchor subscriber (*optional*) Yes No
 If "Yes," name of the anchor subscriber (*optional*): _____
 Estimated or anticipated percentage or range of the project capacity for the anchor subscriber's subscription: _____
8. Is there any expectation that the account holder of a master meter will subscribe to the community solar project on behalf of its tenants? Yes No
 If "Yes," what specific, identifiable, sufficient, and quantifiable benefits from the community solar subscription are being passed through to the tenants?



Additionally, the account holder of the master meter must attach a signed affidavit that the specific, identifiable, sufficient, and quantifiable benefits from the community solar subscription will be passed through to the tenants.

If "No," please be aware that, if, at any time during the operating life of the community solar project the account holder of a master meter wishes to subscribe to the community solar project on behalf of its tenants, it must submit to the Board a signed affidavit that the specific, identifiable, sufficient, and quantifiable benefits from the community solar subscription will be passed through to its tenants.

9. The geographic restriction for distance between project site and subscribers is: (*select one*)
- No geographic restriction: whole EDC service territory
 - Same county OR same county and adjacent counties
 - Same municipality OR same municipality and adjacent municipalities

Note: The geographic restriction selected here will apply for the lifetime of the project, barring special dispensation from the Board, pursuant to N.J.A.C. 14:8-9.5(a).



This project is in partnership with the City of Linden, who have been preparing the site for solar redevelopment for several years. The City issued an RFB for a solar lease of the landfill and awarded the lease to Applicant on 8/20/19. We have begun collaborating with and will be closely engaged with the City and their staff throughout the redevelopment, construction, and operation of the project.

- 2. The proposed community solar project is being developed in collaboration* with one or more local community organization(s) Yes No

If "Yes," explain how and attach a letter of support from the local community organization(s).

*Collaboration with a local community organization should include, at minimum, one or more meetings with the relevant local community organization(s) and clear evidence of the local community organization's involvement and approval of the design, development, or operation of the proposed community solar project.

We will be collaborating with the Hawk Rise Sanctuary, an ecological preserve adjacent to the project site which offers community education and research opportunities. Hawk Rise is overseen by NJ Audubon, with whom we've have multiple discussions about collaboration. The City of Linden has also been in contact with NJ Audubon on this matter.

- 3. The proposed community solar project was developed, at least in part, through a community consultative process* Yes No

If "Yes," please describe the consultative process.

*A community consultative process should include, at minimum, one or more opportunities for public intervention and outreach to the municipality and/or local community organizations.

The project was awarded via a public bid process run by the City, which included significant opportunity for public intervention and comment. We will continue to collaborate with the community with respect to community solar subscriptions for City residents and the site plan approval process

XI. Project Cost

- 1. Provide the following cost estimates and attach substantiating evidence in the form of charts and/or spreadsheet models:

Applicants are expected to provide a good faith estimate of costs associated with the proposed community solar project, as they are known at the time the Application is filed with the Board. This information will not be used in the evaluation of the proposed community solar project.





If "Yes," identify the entity or entities through which job training is or will be organized (e.g. New Jersey GAINS program, partnership with local school):

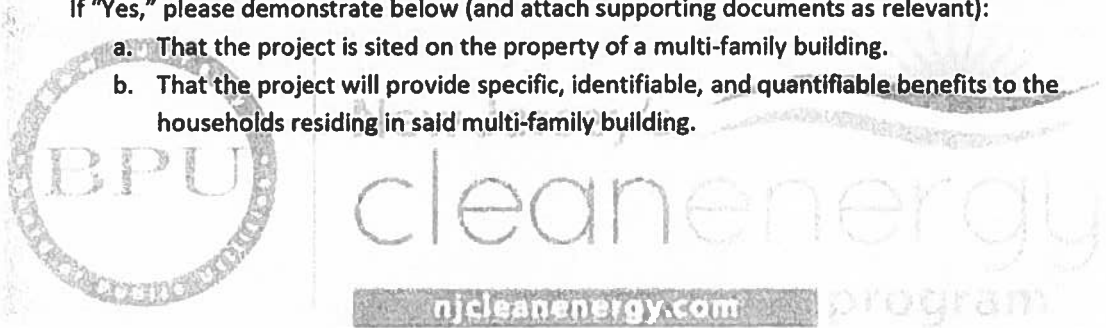
NJ Apprenticeship Network, Local IBEW 102, Linden Schools, Trade Schools

XIII. Special Authorizations and Exemptions

1. Is the proposed community solar project co-located with another community solar facility (as defined at N.J.A.C. 14:8-9.2)? Yes No
If "Yes," please explain why the co-location can be approved by the Board, consistent with the provisions at N.J.A.C. 14:8-9.

2. Does this project seek an exemption from the 10-subscriber minimum? Yes No
If "Yes," please demonstrate below (and attach supporting documents as relevant):

- a. That the project is sited on the property of a multi-family building.
- b. That the project will provide specific, identifiable, and quantifiable benefits to the households residing in said multi-family building.



3. Specific sections throughout the Application Form are identified as optional only if: 1) the Applicant is a government entity (municipal, county, or state), and 2) the community solar developer will be selected by the Applicant via a RFP, RFQ, or other bidding process. Has the Applicant left those specific sections blank? Yes No
If "Yes," attach a letter describing the proposed bidding process. The Applicant must further commit to issuing said RFP, RFQ, or other bidding process within 90 days of the proposed project being approved by the Board for participation in the Community Solar Energy Pilot Program. The Applicant will be required to provide the information contained in those optional sections to the Board once it becomes known.

4. Has the proposed community solar project received, in part or in whole, a subsection (t) conditional certification from the Board prior to February 19, 2019? Yes No
If "Yes," the project may apply to participate in the Community Solar Energy Pilot Program if it commits to withdrawing the applicable subsection (t) conditional certification immediately if it is approved by the Board for participation in the Community Solar Energy Pilot Program. Attach a signed affidavit that the Applicant will immediately withdraw the applicable subsection (t)

Section C: Certifications

Instructions: Original signatures on all certifications are required. All certifications in this section must be notarized.

Applicant Certification

The undersigned warrants, certifies, and represents that:

- 1) I, Eric Millard (name) am the Chief Commercial Officer (title) of the Applicant Hathaway Solar, LLC (name) and have been authorized to file this Applicant Certification on behalf of my organization; and
- 2) The information provided in this Application package has been personally examined, is true, accurate, complete, and correct to the best of the undersigned's knowledge, based on personal knowledge or on inquiry of individuals with such knowledge; and
- 3) The community solar facility proposed in the Application will be constructed, installed, and operated as described in the Application and in accordance with all Board rules and applicable laws; and
- 4) The system proposed in the Application will be constructed, installed, and operated in accordance with all Board policies and procedures for the SREC Registration Program or subsequent revision to the SREC Registration Program, if applicable; and
- 5) My organization understands that certain information in this Application is subject to disclosure under the Open Public Records Act, N.J.S.A. 47-1A-1 et seq., and that sensitive and trade secret information that they wish to keep confidential should be submitted in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.; and
- 6) My organization acknowledges that submission of false information may be grounds for denial of this Application, and if any of the foregoing statements are willfully false, they are subject to punishment to the full extent of the law, including the possibility of fine and imprisonment.

Signature: 

Date: 09/06/2019

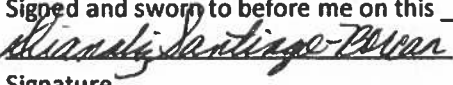
Print Name: Eric Millard

Title: CCO

Company: Hathaway Solar, LLC

Signed and sworn to before me on this 6th day of September, 2019

Signature


Dianaliz Santiago-Borcan

Name

DIANALIZ SANTIAGO-BORCAN
NOTARY PUBLIC OF NEW JERSEY
Comm. # 50071537
My Commission Expires 11/13/2022



Project Owner Certification

The undersigned warrants, certifies, and represents that:

- 1) I, Eric Millard (name) am the Chief Commercial Officer (title) of the Project Owner Hathaway Solar, LLC (name) and have been authorized to file this Applicant Certification on behalf of my organization; and
- 2) The information provided in this Application package has been personally examined, is true, accurate, complete, and correct to the best of the undersigned's knowledge, based on personal knowledge or on inquiry of individuals with such knowledge; and
- 3) The community solar facility proposed in the Application will be constructed, installed, and operated as described in the Application and in accordance with all Board rules and applicable laws; and
- 4) The system proposed in the Application will be constructed, installed, and operated in accordance with all Board policies and procedures for the SREC Registration Program or subsequent revision to the SREC Registration Program, if applicable; and
- 5) My organization understands that certain information in this Application is subject to disclosure under the Open Public Records Act, N.J.S.A. 47-1A-1 et seq., and that sensitive and trade secret information that they wish to keep confidential should be submitted in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.; and
- 6) My organization acknowledges that submission of false information may be grounds for denial of this Application, and if any of the foregoing statements are willfully false, they are subject to punishment to the full extent of the law, including the possibility of fine and imprisonment.

Signature: Date: 09/06/19

Print Name: Eric Millard

Title: CCO

Company: Hathaway Solar, LLC

Signed and sworn to before me on this 12th day of September, 2019

Signature

Dianaliz Santiago-Borcan
Name

DIANALIZ SANTIAGO-BORCAN
NOTARY PUBLIC OF NEW JERSEY
Comm. # 50071537
My Commission Expires 11/13/2022



Subscriber Organization Certification (optional, complete if known)

The undersigned warrants, certifies, and represents that:

- 1) I, _____ (name) am the _____ (title) of the Subscriber Organization _____ (name) and have been authorized to file this Applicant Certification on behalf of my organization; and
- 2) The information provided in this Application package has been personally examined, is true, accurate, complete, and correct to the best of the undersigned's knowledge, based on personal knowledge or on inquiry of individuals with such knowledge; and
- 3) The community solar facility proposed in the Application will be constructed, installed, and operated as described in the Application and in accordance with all Board rules and applicable laws; and
- 4) My organization understands that certain information in this Application is subject to disclosure under the Open Public Records Act, N.J.S.A. 47-1A-1 et seq., and that sensitive and trade secret information that they wish to keep confidential should be submitted in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.; and
- 5) My organization acknowledges that submission of false information may be grounds for denial of this Application, and if any of the foregoing statements are willfully false, they are subject to punishment to the full extent of the law, including the possibility of fine and imprisonment.

Signature: _____ Date: _____

Print Name: _____

Title: _____ Company: _____

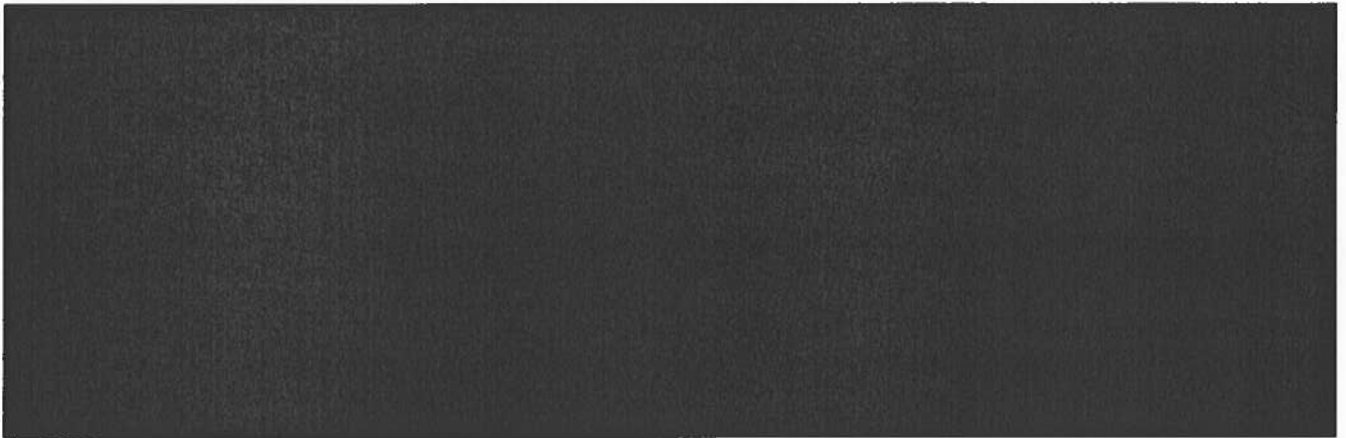
Signed and sworn to before me on this _____ day of _____, 20__

Signature

Name



New Jersey's
cleanenergy
program



New Jersey's
cleanenergy
njcleanenergy.com program



Appendix G: Evaluation Criteria

The Evaluation Criteria chart below lists the various categories that the Board will consider in evaluating project Applications. Projects must score a minimum 30 points total in order to be considered for participation in the Community Solar Energy Pilot Program. Projects that score above 30 points will be awarded program capacity in order, starting with the highest-scoring project and proceeding to the lowest-scoring project.

Evaluation Criteria	Max. Points
Low- and Moderate-Income and Environmental Justice Inclusion Higher preference: LMI project	30
Siting Higher preference: landfills, brownfields, areas of historic fill, rooftops, parking lots, parking decks Medium preference: canopies over impervious surfaces (e.g. walkway), areas designated in need of redevelopment No Points: preserved lands, wetlands, forested areas, farmland Bonus points for: landscaping, land enhancement, pollination support, stormwater management, soil conservation	20 Max. possible bonus points: 5
Product Offering Higher preference: guaranteed savings >10%, flexible terms* Medium preference: guaranteed savings >5% No Points: no guaranteed savings, no flexible terms* *Flexible terms may include: no cancellation fee, short-term contract	15
Community and Environmental Justice Engagement Higher preference: partnership with municipality, partnership with local community organization(s), partnership with affordable housing provider Medium preference: letter of support from municipality, project owner is a government and/or public and/or quasi-public entity, project owner is an affordable housing developer	10
Subscribers Higher preference: more than 51% project capacity is allocated to residential subscribers	10
Other Benefits Higher preference: Provides local jobs/job training, demonstrates co-benefits (e.g. paired with storage, micro-grid project, energy audit, EE measures)	10
Geographic Limit within EDC service territory Higher preference: municipality/adjacent municipality Medium preference: county/adjacent county No Points: any geographic location within the EDC service territory.	5

1. Delineated Map of the Project*

*dwg file provided electronically

ACKNOWLEDGEMENT OF SITE CONTROL

This Acknowledgment of Site Control (“**Acknowledgment**”) dated as of September 3rd, 2019 is by and between the City of Linden, having an address of 301 N. Wood Avenue, Linden, New Jersey 07036 (the “**City**”) and Hathaway Solar, LLC, having an address of c/o Conti Solar, 2045 Lincoln Highway, Edison, New Jersey 08817 (“**Hathaway**”). The City and Hathaway are hereinafter individually referred to as a “**Party**” and collectively as the “**Parties**”).

WHEREAS, the City is the owner of approximately 174 acres of which 55 acres of the site is the former municipal landfill, located off Lower Road in Linden, New Jersey, identified on the City’s official tax map as part of Block 581, Lots 11.03 and 17 (the “**Premises**”);

WHEREAS, on June 11, 2019 the City issued a Request for Bid Proposals titled “Lease of the Linden Landfill for the Development and Maintenance of Solar System” (the “**RFB**”);

WHEREAS, on July 2, 2019 Hathaway submitted a response to the RFB (the “**Bid Response**”);

WHEREAS, the City, having reviewed the bid packages submitted, awarded the bid to Hathaway via resolution 2019-325, a copy of which is attached hereto as Exhibit A;

WHEREAS, Hathaway intends to build and operate an approximately 5MW solar photovoltaic electric generating system on the Premises (the “**Project**”) in accordance with the terms of the RFB and the Bid Response.

WHEREAS, Hathaway will be submitting the Project to the New Jersey Board of Public Utilities (“**BPU**”) seeking inclusion into the New Jersey Community Solar Program (the “**Program**”);

WHEREAS, the BPU requires site control as a condition precedent to acceptance into the Program;

WHEREAS, the Parties will enter into a lease substantially in the form attached to the RFB (the “**Lease**”);

WHEREAS, the applications for acceptance to the Program are due on September 9, 2019 (“**Program Deadline**”); and

WHEREAS, the Parties are expected to execute the Lease as soon as possible, no later than forty-five (45) days of the date hereof, but which execution may occur after the Program Deadline.

NOW, therefore, in consideration of the foregoing and the commitments contained in the RFB and the Bid Response, the Parties agree as follows:

1. As a result of the RFB being awarded to Hathaway, Hathaway currently has site control of the Premises pursuant to the terms of the RFB and the Bid Response.

Exhibit A
Resolution 2019-325

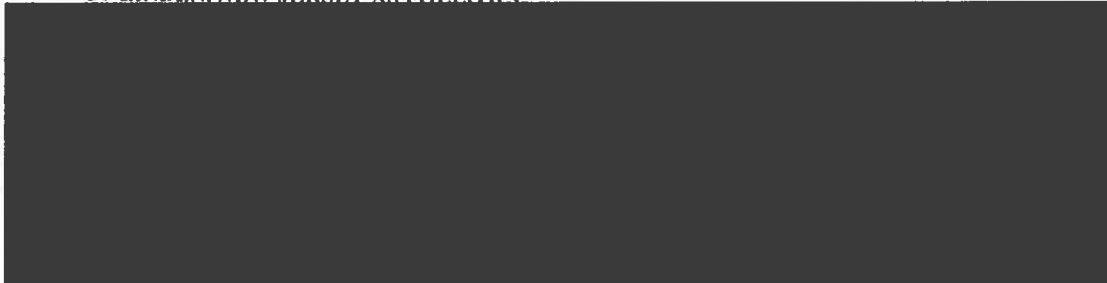
WHEREAS, the City recommends the award of a ground lease agreement for the purpose of a Solar System on the Linden Landfill ("Lease Agreement"), in the form attached to the Solar RFB, subject to any changes recommended by the City's engineering professionals or counsel; and

WHEREAS, the initial term of the lease agreement shall be up to twenty (20) years, which term may be extended by the City in its sole discretion; and

WHEREAS, on January 17, 2019 the New Jersey Board of Public Utilities (the "BPU") approved the three-year Community Solar Energy Pilot Program Rules and the BPU has already opened the Application Period for Program Year 1, with the second pilot year anticipated to be opened in early 2020 (the "Community Solar Program"); and

WHEREAS, the City believes that the Solar System on the Linden Landfill is an ideal candidate to participate in the Community Solar Program and desires to support such application with Hathaway.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN, NEW JERSEY AS FOLLOWS:



Section 3. In accordance with the bid proposal, the construction of the Solar System is subject to the project's entry into the Community Solar Program, and the City does hereby provide its support for such application.

Section 4. The Mayor and City Clerk are hereby authorized to execute the Lease Agreement and all other documents, and to undertake all actions reasonably necessary, to effectuate this Resolution, including any documents needed for the Community Solar Program.

Section 5. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 6. This Resolution shall take effect immediately.

PASSED: August 20, 2019


President of Council

APPROVED: August 21, 2019


Mayor

ATTEST:


City Clerk

3. Proof of Redevelopment Designation

Section 2. This ordinance shall take effect at the time and in the manner provided by law.

PASSED: JUN 19 2001

Robert T. Bunk
President of Council

APPROVED: JUN 20 2001

John L. Dugorio
Mayor

ATTEST:

Val D. Imbricco
City Clerk

Certified to be a true and exact copy.

Val D. Imbricco
City Clerk, City of Linden, N. J.
Date: 6/20/01

**Amended to reflect that in Section IV-A of Exhibit A, Permitted Land Uses, of the Redevelopment Plan, 10 Acres be increased to 11+ acres.

CRedMunicipal

**City of Linden, New Jersey
Municipal Landfill Redevelopment Project**

Redevelopment Plan

Prepared By:

**Planners Diversified
May 10, 2001**

City of Linden, New Jersey
Municipal Landfill Redevelopment Project

I. Designation of Area and Plan Development

A. Designation of the Redevelopment Area

The process, consistent with applicable state statutes, followed by the City in the determination as to the area's qualification and designation as "an area in need of redevelopment" was:

1. The Linden City Council, on May 2, 2001 authorized the Linden Planning Board to conduct a preliminary investigation as to whether the study area qualifies as "an area in need of redevelopment".
2. To assist the Linden Planning Board in its preliminary investigation, the City of Linden directed Planners Diversified to assist the Planning Board in conducting a study and survey of the area and to prepare a report on the findings of the survey.
3. The Linden Planning Board will hold a public hearing on May 29, 2001, at which time the designation of the area as "an area in need of redevelopment" will be considered.
4. Prior to the hearing, a legal notice was published in the City's official newspaper and a map of the area and statement as required by statute was prepared and the owner of record of the properties was duly notified of the hearing.
5. At the hearing, the Linden Planning Board will consider information and objections both oral and written and incorporate them as part of the public record.
6. The Linden Planning Board, after due consideration of applicable documentation, will make its recommendations to the Linden City Council as to its determination as to whether the study area should be designated as "an area in need of redevelopment".
7. After receiving the recommendation of the Linden Planning Board, the Linden City Council on May 30, 2001 will consider adopting a resolution and or ordinance (as applicable) to implement the Planning Board's findings as to determining the area as "an area in need of redevelopment".

B. Redevelopment Plan Preparation Process

A Redevelopment Plan must be prepared and adopted by ordinance prior to undertaking any redevelopment project. The process, which is consistent with applicable state statutes, and will be followed by the City in the preparation of its Redevelopment Plan, may be summarized as follows:

1. The Linden City Council authorized the Linden Planning Board to prepare a Redevelopment Plan for the area.

B. Redevelopment Objectives

Activities to be initiated in the Municipal Landfill Redevelopment Project Area will be undertaken in conformity with and will be designed to meet the following objectives of the proposed Redevelopment Plan:

- The primary objective of the proposed Redevelopment Plan is to eliminate those conditions that cause the area to be considered as an "area in need of redevelopment", ie: the elimination of the conditions that substantially impair the sound growth and functioning of this area of the City.
- The stimulation of private investment in the redevelopment area by assisting as necessary and appropriate to support the redevelopment actions.
- The encouragement of development, which will conserve and protect open space, provide for new recreational facilities and limited industrial uses that collectively will provide for increased employment opportunities, tax ratables and economic growth in this area of the City.
- The promotion of the health, safety and general welfare of the area through redevelopment of the parcels included in the redevelopment area.

IV. Proposed Redevelopment Area Land Uses and Building Requirements

The following permitted land uses and building requirements shall be applicable to the various development parcels in the Municipal Landfill Redevelopment Project Area:

A. Permitted Land Uses

The permitted use is "non-residential" as shown on the attached "Land Use Plan Map". The land uses permitted in the redevelopment area include recreational and/or conservation uses and limited industrial uses. The total land area of the landfill is approximately 174.3 acres, and within that total area no more 10.0 acres can be utilized for industrial purposes, and the balance of the area shall be devoted to recreational and/or conservation uses.

B. Additional Building Requirements

The following requirements shall be applicable to all development in the redevelopment project area.

1) Building Height Requirements

The maximum building height shall be twenty-five feet

2) Front, Side and Rear Yard Setback Requirements

The minimum front, side and rear yard setback shall each be twenty-five feet.

3) Off-Street Parking Requirements

Off-street parking serving the industrial uses shall be in the ratio of one off-street parking space for each 1,000 square feet of gross floor building area.

Implementation of this proposed Redevelopment Plan will assist in the revitalization of the State's urban centers and areas, as well as meeting the State plan's goals of promoting beneficial economic growth, development and renewal.

VIII. Relationship of the Redevelopment Plan to Municipal Development Regulations

The land use controls and building restrictions set forth in this proposed Redevelopment Plan shall apply to all development within the redevelopment area and, if adopted, shall supercede any requirements set forth in the City of Linden Zoning Ordinance. All other development regulations of the City of Linden shall remain applicable.

IX. Obligations of Developer(s)

Land within the Redevelopment Area will be leased by the City of Linden to a private developer(s) who will be required to:

- A. Submit development plans that include, but are not limited to, drawings of site and building plans and elevations in sufficient detail to show building layout, building construction, road access, etc. in accordance with the Linden Land Development Ordinance. These documents shall be submitted to the Linden Planning Board and the Linden City Council, acting as the Redevelopment Entity, for review and approval to determine compliance of such plans with the Redevelopment Plan before working drawings are prepared.

It is expressly understood that the approval of any plans by either the Linden Planning Board or the Redevelopment Entity applies to any and all features shown thereon. Any and all subsequent additions, deletions or other modifications of the plans must be submitted to the Planning Board for final approval before construction can begin.

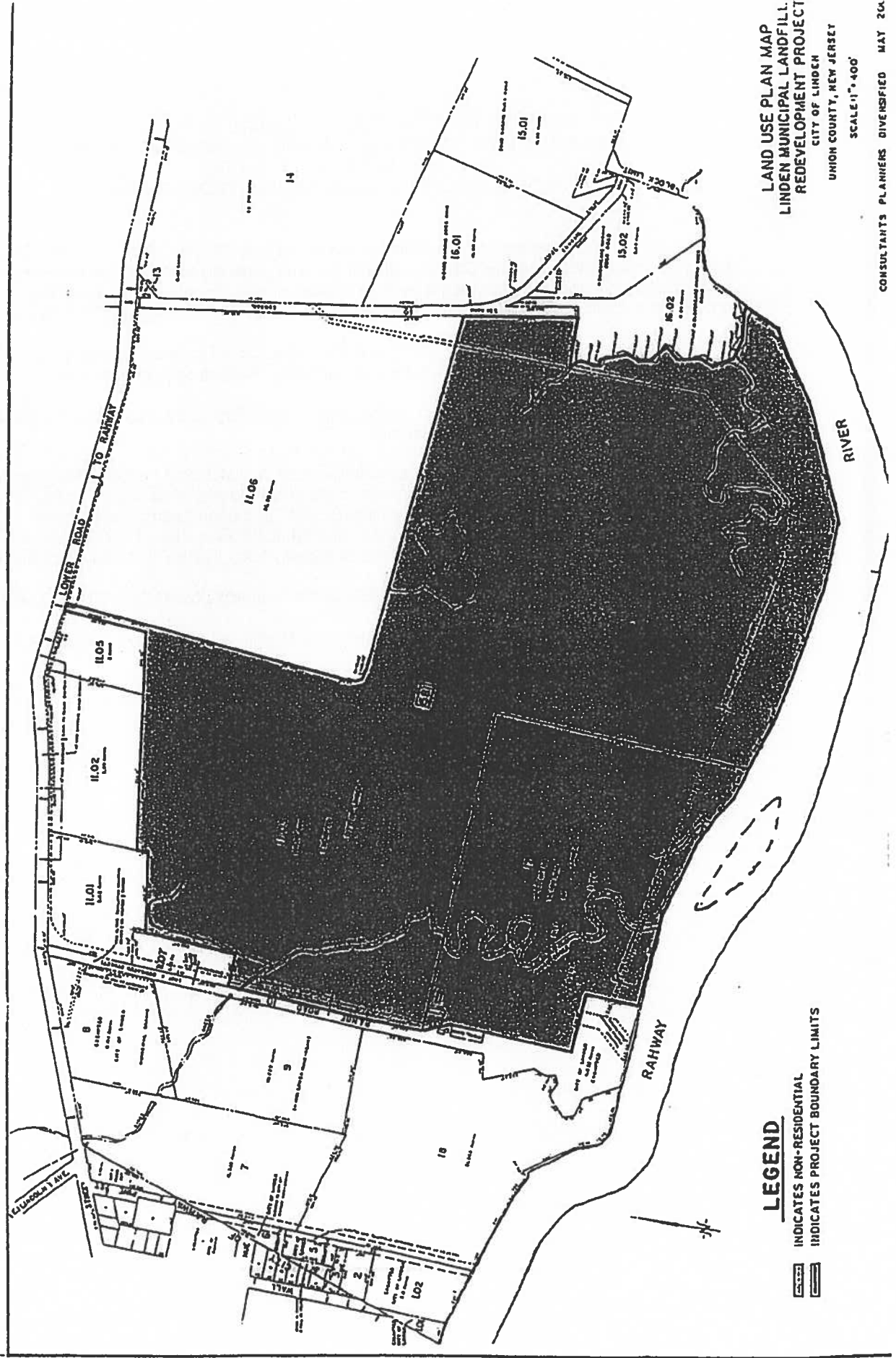
- B. Submit a written development schedule and commence the undertaking of the development in accordance with the development schedule.
- C. Agree that no covenant, conveyance agreement or other instrument relating to the property shall be effected or executed on the basis of race, creed, sex, religion, color, age, national origin, or ancestry in the lease, use or occupancy thereof.
- D. Maintain the structures and facilities in accordance with all codes and ordinances of the City of Linden.

X. Duration of Redevelopment Plan Restrictions

This proposed Redevelopment Plan and any modifications thereof, shall be in force and effect for a period of 20 years from the date that the Linden City Council first approved the proposed Redevelopment Plan. The termination of the proposed Redevelopment Plan shall in no way permit the project land or any part thereof to be restricted on the basis of race, creed, sex, religion, color, age, national origin or ancestry.

XI. Amendments to the Approved Redevelopment Plan

The proposed Redevelopment Plan may, if adopted, be amended from time to time in accordance with the provisions of the Local Redevelopment and Housing Law of 1992, as same may be, from time to time, amended and supplemented.



LAND USE PLAN MAP
LINDEN MUNICIPAL LANDFILL
REDEVELOPMENT PROJECT
 CITY OF LINDEN
 UNION COUNTY, NEW JERSEY
 SCALE: 1" = 400'

LEGEND
 [Stippled Box] INDICATES NON-RESIDENTIAL
 [Dashed Line Box] INDICATES PROJECT BOUNDARY LIMITS

**City of Linden, New Jersey
Municipal Landfill Redevelopment Project
Redevelopment Plan**

Exhibit A -- Redevelopment Plan for the Municipal Landfill Project

EXHIBIT B

**REPORT ON PROPOSED REDEVELOPMENT PLAN FOR THE
MUNICIPAL LANDFILL REDEVELOPMENT PROJECT AREA**

The redevelopment plan for the Municipal Landfill Redevelopment Project Area, prepared by Planners Diversified dated May 2001, has been reviewed for consistency with the adopted master plan and reasonable planning practices. The redevelopment plan is consistent with the adopted master plan, and it can be recommended to City Council that the redevelopment plan be adopted.

The proposed redevelopment is consistent with the zoning designations of the area. The objectives of the proposed redevelopment plan are also consistent with the stated objectives of the adopted master plan. The plan can be implemented without impairing the master plan.

Prepared by:

Hathaway Solar, LLC

LINDEN LANDFILL

Building a Cleaner Future

8/21/2019

Ms. Ruth Foster, Acting Director
NJ DEP – Office of Permit Coordination and Environmental Review
401 East State St.
PO 420
Trenton, NJ 08625

Subject: Permit Readiness Application for the Proposed Linden Landfill Solar Project

Dear Ms. Foster,

On behalf of Hathaway Solar, LLC I am please to submit the attached permit readiness application to the New Jersey Department of Environmental Protection (NJDEP) to present the proposed project and facility the review of the permitting matters related to siting a ballasted ground-mounted solar project at the Linden Landfill in Linden City, Union County, Block 581 Lots 11.03 and 17.

Headquartered in Edison, NJ, Hathaway Solar, LLC is an affiliate of CS Energy (formerly known as Conti Solar and Sundurance Energy). We are the pre-eminent landfill solar company in the country, with over 150MW of landfill solar projects installed to date. We have installed over 57MW of landfill solar projects in New Jersey alone, having installed the first landfill solar system in the State in 2011. Hathaway Solar is a special purpose entity that was established to hold all of CS Energy's solar development projects located in New Jersey.

The project will be considered an inherently beneficial use under the New Jersey Municipal Land Use Law (MLUL) and situated on parcels owned by the City of Linden. The parcels are targeted areas for re-development and is highly encouraged in New Jersey's Community Solar Pilot Program's (Pilot) site selection evaluation guide. Under the MLUL inherently beneficial use means a use which is universally considered of value to the community because it fundamentally serves the public good and promotes general welfare. This project will transform the landfill into a clean community solar project and will be a source of economic benefit directly to the City of Linden and also the residents who choose to participate in the project's community solar program.

Prior discussions with representatives from the Bureau of Solid Waste Permitting indicated that a Post-Closure Care Plan Modification would most likely be required prior to issuing an approval for the Project.

Site History and Description

The Linden Landfill is located adjacent to the Rahway River and is accessible from Lower Road in Linden. The mound footprint of the Landfill comprises of approximately 55 acres. The property is bordered to the north by fuel tank farms and to the west by Kings Creek. The majority of the landfill is surrounded by wetlands and

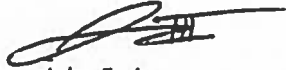
Hathaway Solar, LLC

LINDEN LANDFILL

The project will produce 7,087,500kwh of electricity annually. This is enough to offset the production of 5,012 metric tons of CO₂, offset of the burning of 5,479,175 pounds of coal, and provide nearly 1,000 homes with electricity.

We are very please to proceed with the permitting process with the DEP and look forward to working with you. Should you have any questions or concerns, please contact me at 732.354.2184

Best regards,



John Ervin
Manager, Business Development

Updated 10/11/16

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF PERMIT COORDINATION AND ENVIRONMENTAL REVIEW
PERMIT READINESS CHECKLIST

FOR PCER OFFICE USE ONLY

DATE RECEIVED ___

PRC ID NUMBER ___

Completion of this form will assist the Department in determining what permits might be needed to authorize a project and to insure that all appropriate programs attend a pre-application meeting. Please fill out the below form as completely as possible, noting any areas you are not sure of and including any information about the project and the site that might help the Department determine the permitting needs of the project.¹

1. Please complete the following questions if applicable and return to the Department with a **1 to 2 page narrative description of project, its function, and its benefits; as well as a site plan, maps, aerial photos, GIS shape files, etc.**

A. GENERAL INFORMATION

1. Name of Proposed Project Hawk Rise Solar
2. Consultant/Contact Information (if any) Hathaway Solar, LLC
3. Name/Address of Prospective Applicant: John Ervin
Address/tel./fax 2045 Lincoln Highway, Edison, NJ 08817
Company Name Hathaway Solar, LLC
Address/tel./fax 732.354.2184
4. Does the project have any existing NJDEP ID#s assigned? i.e., Case number, Program Interest (PI)#, Program ID#?. Preferred ID 134264, NJPDES-DGW #NJ0028231, PCUP Approval No LCC150001, Solid Waste Facility #2009A, NJPDES NJGOI 74548 PI ID 46549

B. PROPOSED PROJECT LOCATION

Street Address/munic. Linden City
County Union
Block No. 581

Zip Code ___
Lot No. 11.03 & 17

¹ Please be advised that this form is not a permit application. To receive authorization, approval, or a permit to conduct regulated activities, a formal application must be filed and a formal permit or authorization issued by the appropriate Bureau within the Department prior to the conduct of regulated activity. This form is used solely for the Department's preliminary review and discussion of this project to determine what permits or authorizations may be needed to conduct the proposed activity. Any guidance offered to the applicant during this process is not binding on the Department or the applicant and a final response can only be rendered through the actual issuance of permits, approvals, or authorizations.

- (a) The completed Permit Readiness Checklist;
- (b) A description of the proposed project;
- (c) Any overarching regulatory or policy call(s) or guidance that the Department must make or make known prior to the receipt of the application to determine the project's feasibility, regulatory, or review process.
- (d) USGS map(s) with the site of the proposed project site boundaries clearly delineated (including the title of the USGS quadrangle sheet from which it was taken)³;
- (e) Aerial photos/GIS information regarding the site;
- (f) A site map including any known environmental features (wetlands, streams, buffers, etc⁴);
- (g) Site plans to the extent available;
- (h) Street map indicating the location of the proposed project;
- (i) Any other information that you think may be helpful to the Department in reviewing this project.
- (j) List of any local or regional governments or entities, their historical involvement in this project or site, identification of conflicts with DEP rules; with contact names and information whose attendance/input would be helpful in facilitating this project, ie Soil Conservation Districts, health departments, local zoning officials, etc.

D. The following are questions by Program to guide the Department in its determination of what permits may be needed to authorize this project. If the questions do not apply to the proposed project please indicate N/A. Please include any other information you think may be helpful for the Department to determine which permits are needed.

WATER AND WASTE WATER INFORMATION

DEP Safe Drinking Water Program (609) 292-5550
<http://www.nj.gov/dep/watersupply/>

Is the project located within an existing water purveyor service area? If yes, which one? no

Will the project affect any land or water controlled by a Water Supply Authority or water purveyor in New Jersey? If so, please identify and explain. n/a

Does the purveyor have adequate firm capacity and allocation to support project demand? n/a

Do water pipes currently extend to the project location? n/a

If not, is it located within a franchise area? n/a

Does the project have an approved Safe Drinking Water main extension permit? n/a

Street Location: 401 East State Street, 7th Floor East Wing
Telephone Number: (609) 292-3600
Fax Number: (609) 292-1921

³ USGS maps may be purchased from NJDEP, Maps and Publications, P.O. Box 420, Trenton 08625-0420; (609) 777-1038

⁴ NJGIS information

the design any of these activities or structures? no

Please indicate which:

Upland CDF (Dredge Spoils) Spray Irrigation n/a

Overland Flow Subsurface Disposal System (UIC) n/a

Landfill Infiltration/Percolation Lagoon n/a

Surface Impoundment n/a

Please specify the source of wastewater for every structure identified above (e.g., sanitary wastewater to a subsurface disposal system or non-contact cooling water to a dry well): n/a

Please specify lining materials for each lined structure identified as being used by the proposed project and give its permeability in cm/sec (e.g., 8-inch thick concrete lined evaporation pond at 10⁻⁷ cm/sec): n/a

Does your project/facility include an individual subsurface sewage disposal system design for a facility with a design flow less than 2,000 gallons per day which does not strictly conform to the State's standards? n/a

Does your project involve 50 or more realty improvements? n/a

DEP Pretreatment and Residuals program (609) 633-3823

Will the project involve the discharge of industrial/commercial wastewater to a publicly owned treatment works (POTW)? no

If yes, name of POTW: _____

Volume of wastewater (gpd): _____

Will/does this project involve the generation, processing, storage, transfer and/or distribution of industrial or domestic residuals (including sewage sludge, potable water treatment residuals and food processing by-products) generated as a result of wastewater treatment. If so, please explain.

Stormwater Program (609) 633-7021

<http://www.njstormwater.org/>

http://www.state.nj.us/dep/dwg/ispp_home.html

Will your site activity disturb more than one acre? no

Will any industrial activity be conducted at the site where material is exposed to the rain or other elements? no

Does your facility have an existing NJPDES permit for discharge of stormwater to surface groundwater?

Yes - NJG0174548

Is your facility assigned one of the following Standard Industrial Classification (SIC) Codes? n/a
(To determine your SIC Code see the box "Industry Code" on your New Jersey Department of Labor Quarterly Contribution Report.

Surface Water Permitting (609) 292-4860

not impact regulated features. Appropriate buffers will be between the regulated features, and transition areas, as applicable, and the solar development

Water courses (streams) yes

State Open Waters? Yes, Rahway River

Freshwater Wetlands and/or freshwater wetland transition areas? yes

Flood Hazard areas and/or riparian buffers Yes

Waterfront development areas yes

Tidally Flowed Areas Yes- Rahway River

Bureau of Tidelands Management: http://www.nj.gov/dep/landusc/tl_main.html

The CAFRA Planning Area? <http://www.state.nj.us/dep/gis/cafralayers.htm>

DEP NATURAL AND HISTORIC RESOURCES

Green Acres Program (609) 984-0631
<http://www.nj.gov/dep/greenacres>

Does the project require a diversion of State property or parkland, lease of same, lifting of a Green Acres of Land Use deed restriction, or work within an existing easement? no Will any activity occur on State owned lands? no If so please describe. _____

Does the project require a diversion of property funded with federal Land and Water Conservation Funding? no. If so, please describe _____.

Does the project include activities that are under the jurisdiction of the Watershed Property Review Board? If so, please describe. n/a Has the Watershed Property Review Board made a jurisdictional determination? _____

Division of Parks and Forestry: State Park Service 609-292-2772

Is the temporary use of State lands administered by the New Jersey State Park Service required for pre-construction, construction and/or post construction activities? If so, please describe. n/a

Division of Parks and Forestry: State Forestry Services (609) 292-2530
<http://www.nj.gov/dep/parksandforests/forest>

Forest clearing activities/No Net Loss Reforestation Act

Will construction of the project result in the clearing of ½ acres or more of forested lands owned or maintained by a State entity? no
If so, how many acres? _____

Division of Parks and Forestry: Office of Natural Lands Management (609) 984-1339
<http://www.nj.gov/dep/parksandforests/natural/index.html>

Is the applicant a responsible party for contamination at the property? no

Is the project located on a landfill that will be redeveloped for human occupancy? no If yes, is there an approved Landfill Closure Plan? _____

Dredging and Sediment Technology (609) 292-1250

Does the project involve dredging or disposing of dredge materials? no

SOLID AND HAZARDOUS WASTE MANAGEMENT PROGRAM (609) 633-1418

<http://www.nj.gov/dep/dshw/>

Does the project receive, utilize, or transport solid or hazardous wastes? no

Will the project involve the disposing of hazardous Substances per 40 CFR part 261 and NJAC 7:26? no

Will the project include operation of a solid waste facility according to N.J.A.C. 7:26-1-et seq.? no

Is the project a solid waste facility or recycling center? no

Is the project included in the appropriate county Solid Waste Management Plan? n/a Explain _____

AIR QUALITY PERMITTING PROGRAM

<http://www.nj.gov/dep/aqpp>

Will activity at the site release substances into the air? no

Does the project require Air Preconstruction permits per N.J.A.C. 7:27-8.2©1? no

Will your project require Air Operating permits (N.J.A.C. 7:27--22.1)? no

Will the project result in a significant increase in emissions of any air contaminant for which the area is nonattainment with the national ambient air quality standards (all of NJ for VOC and NOx; 13 counties for fine particulates), thereby triggering the Emission Offset Rule at NJAC7:27-18? no

Will the project emit group 1 or 2 TXS toxic substances listed in NJAC 7:27-17? _____

Will the project emit hazardous air pollutants above reporting thresholds in NJAC7:27 8, Appendix 1? no

Will the project result in stationary diesel engines (such as generators or pumps) or mobile diesel engines (such as bulldozers and forklifts) operating on the site? If so, which?

no

RADIATION PROTECTION AND RELEASE PREVENTION (609) 984-5636

www.state.nj.us/dep/rpp

Will the operation receive, store or dispose of radioactive materials? no

Will the operation employ any type of x-ray equipment? no

Biomass Municipal Solid Waste Other Non-Fossil Feedstocks

-What will be the primary use of the manufactured alternative fuels?

CHP System Micro Turbine Fuel Cells

For other innovative technology type, what is the proposed application?

X Energy Site Remediation Drinking Water Wastewater

For other innovative energy systems, what is the source of energy?

X Solar Wind Tidal/Wave Hydroelectric Geothermal

Is there independent third-party performance data for the technology? X Y N

Has the technology been verified by an independent third-party entity? X Y N

Is this technology in use at any other location at this time? X Y N

- If yes, please provide location _There is roughly 3,000MW of solar in NJ alone. This project will be 5MW _____

DEP COMPLIANCE AND ENFORCEMENT

Does the applicant have outstanding DEP enforcement violations, and if so, what is the status? no

If yes, please identify the case, case manager, program, and phone number. _____

Does the proposed project facilitate compliance where there is a current violation or ACO? _____

COMMUNITY ENGAGEMENT (609)292-2908

The Department is committed to the principles of meaningful and early community engagement in the project's approval process. The Department has representatives available who could discuss community engagement issues with you and we encourage this communication to take place at the earliest possible time.

- (a) What community groups and stakeholders have you identified that may be interested in or impacted by this project? No negative impacts to the community. The community will be positively impact by the inherently beneficial attributes associated with renewable energy and opportunity to participate in the community solar energy created by the site.
- (b) How have you or will you engage community and stakeholders in this project? Please supply individuals or stakeholder groups contacted or who have been identified for community engagement. The project was awarded through a public solicitation for ground lease. We will continue to work with the City of Linden through our the development process and engage in multiple public meetings as part of the site approval process.
- (c) What are the potential impacts of this project on the community? The community will benefit directly from the energy created by the system via the community solar program and also the City will receive long term rent revenue for the project

6. NJDEP PCER Email

Should any unanticipated tree clearing, around the perimeter of the landfill, become necessary a general timing restriction on trimming or removal of trees from (4/1 to 8/31) is recommended to protect nesting birds covered under the Non-game Species Conservation Act.

According to Landscapes Project 3.3 the property immediately surrounding the landfill is valued at R3 and R4 for a variety of State Listed Threatened T/E species. Additionally, the site is adjacent to the Hawk Rise Open Space property which appears to be Green Acres encumbered. Therefore, the DFW would not support the installation of solar panels in these sections of the site without additional consultation with the NJ Endangered Non-game Species Program (ENSP).

Additionally, the contractor should instruct all employees and sub contractors to avoid any animals and, if possible, move any turtles to the closest suitable habitat outside the work zone and release unharmed.

County Soil Conservation District BMP's for prevention of sediment movement towards Rahway River Tributary and Kings Creek should be used at all times and maintained for function.

The DFW relies on the NJDEP Office of Natural Lands Management, Natural Heritage Program (NHP) for location and protective comment on floral threatened and endangered species. This review is specifically for faunal threatened and endangered species. The applicant will need to consult with the NHP for a complete listing of the threatened and endangered species within the project vicinity.

Historic Preservation Office – Jesse West-Rosenthal: Jesse.West-Rosenthal@dep.nj.gov

Based upon the documentation submitted, there are no buildings, structures, sites, objects, or historic districts on or adjacent to the project location that are listed on, or that have been identified as eligible for listing on the New Jersey or National Registers of Historic Places. Although the project setting is sensitive for archaeological sites, based upon information on file at the HPO, the project only has a low potential for archaeological remains. Consequently, the HPO does not recommend further consideration prior to permit issuance

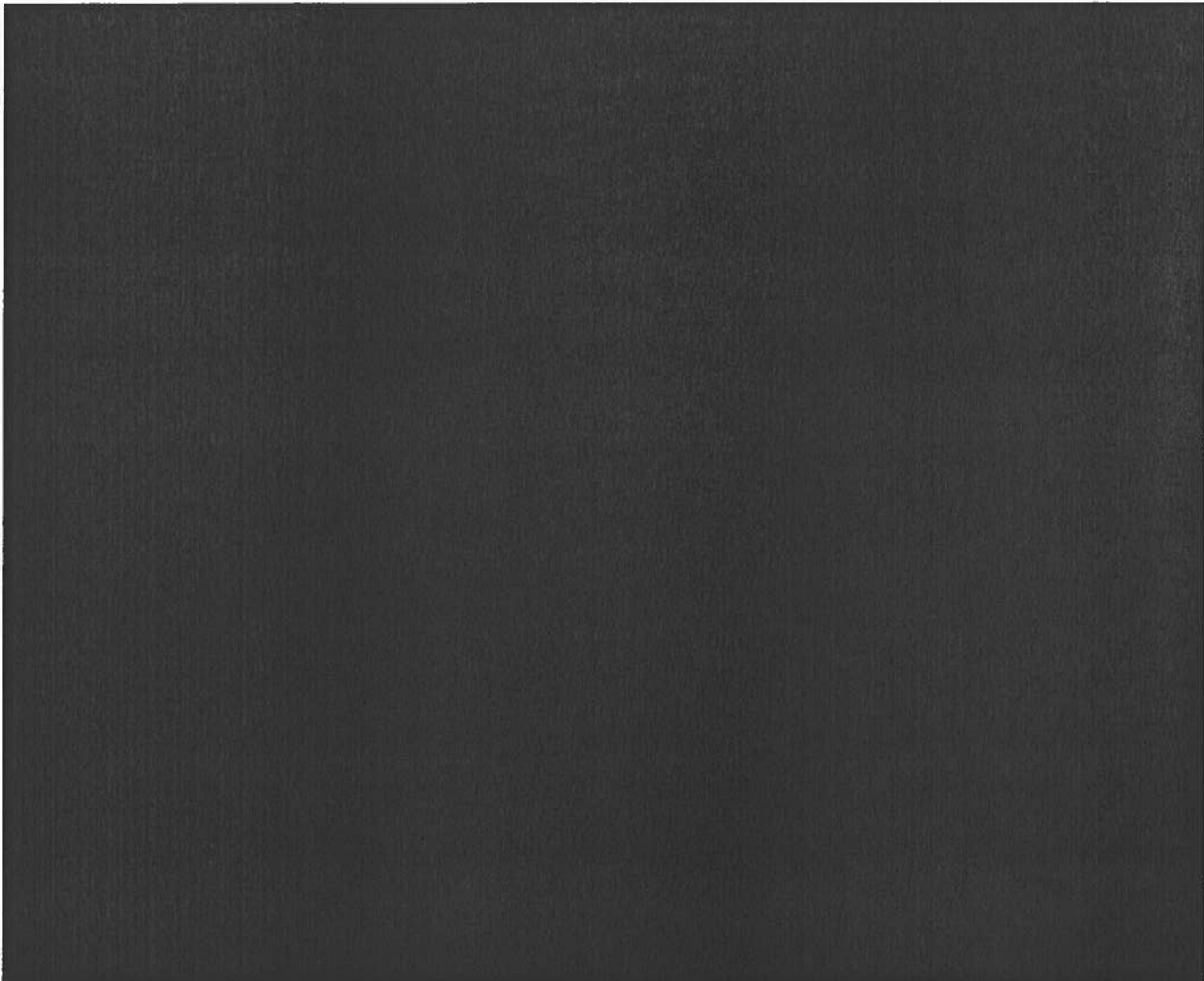
Stormwater: Eleanor Krukowski (Eleanor.Krukowski@dep.nj.gov)

Construction projects that disturb 1 acre or more of land, or less than 1 acre but are part of a larger common plan of development that is greater than 1 acre, are required to obtain coverage under the Stormwater construction general permit (5G3). Applicants must first obtain certification of their soil erosion and sediment control plan (251 plan) from their local soil conservation district office. Upon certification, the district office will provide the applicant with two codes process (SCD certification code and 251 identification code) for use in the DEPonline portal system application. Applicants must then become a registered user for the DEPonline system and complete the application for the Stormwater Construction General Authorization. Upon completion of the application the applicant will receive a temporary authorization which can be used to start construction immediately, if necessary. Within 3-5 business days the permittee contact identified in the application will receive an email including the application summary and final authorization.

Please consult with the Department in the future, regarding the possible need to modify air permits as plans are finalized.

Should circumstances or conditions become different than what was set forth in the information that was provided to the NJDEP, the comments and regulatory requirements provided above are subject to change and

7. Product Offerings



UNIVERSITY OF CALIFORNIA



OFFICE OF
DEREK ARMSTEAD
MAYOR

City of Linden
UNION COUNTY, NEW JERSEY
CITY HALL - OFFICE OF THE MAYOR
301 NORTH WOOD AVENUE
LINDEN, NEW JERSEY 07036-4296

TELEPHONE
(908) 474-8493
Fax: (908) 474-8497

September 3, 2019

NJ BPU
44 South Clinton Avenue, 7th Floor
PO 350
Trenton, NJ 08625-0350
ATTN: Office of Clean Energy, Community Solar Energy Pilot Program

Subject: Linden Landfill Community Solar Municipal Support Letter. Block 581 Lots 17 and 11.03, Linden NJ

To Whom It May Concern:

On behalf of the City of Linden ("City") I am writing in support of the community solar project proposed at the Linden Landfill ("Project"). The Project is in partnership with the City and began with the City conducting a public Request for Bids process for the long-term lease of the landfill. Hathaway Solar, LLC ("Hathaway") was awarded the lease at a public meeting of the governing body held on August 20, 2019.

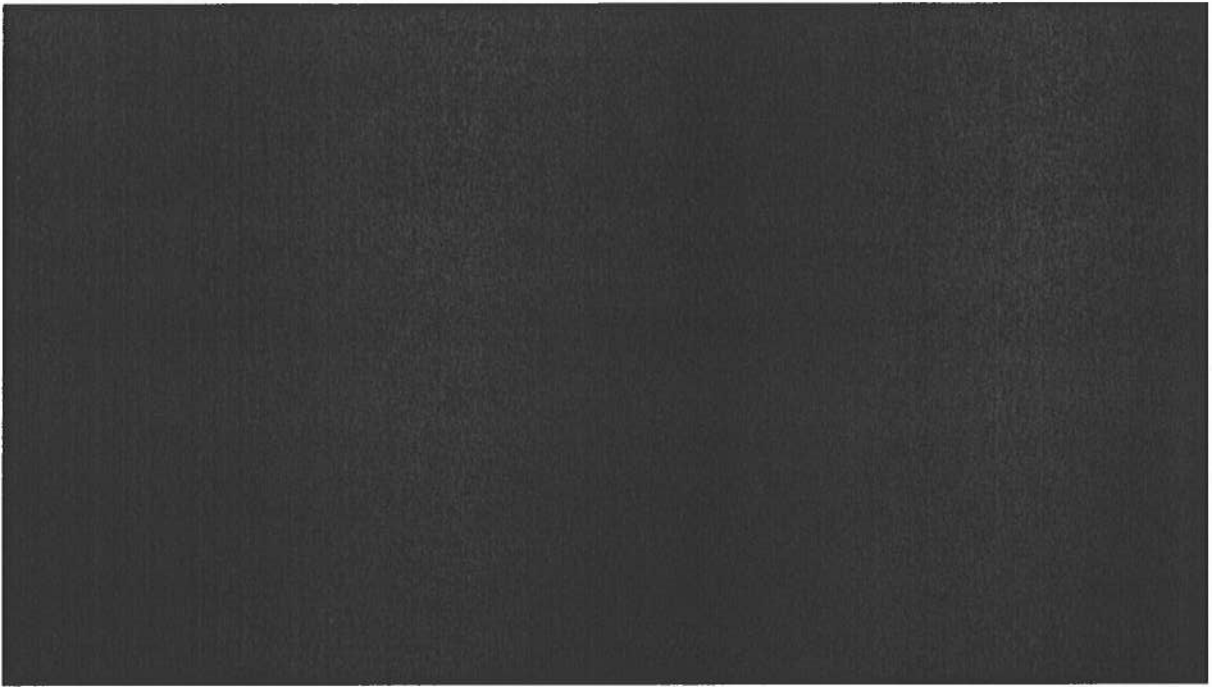
After the award, Hathaway immediately began collaborating with the City for the development of the site and application process for the Community Solar program. We expect to continue to work closely with Hathaway on the development of the site and have regular meetings with City engineering, planning, and DPW staff over the next year as Hathaway prepares the project for construction.

In addition to working with City staff for the development of the site, the City is excited to collaborate with Hathaway to inform our residents on the benefits of the Project and connect our residents with Hathaway so they may participate in the community solar program.

Linden is an urban center and we are thrilled that a clean energy project can be brought here and transform our landfill into a community solar project that can support our residents with clean energy created by the project. This is environmental justice in action and we're proud to be part of it.

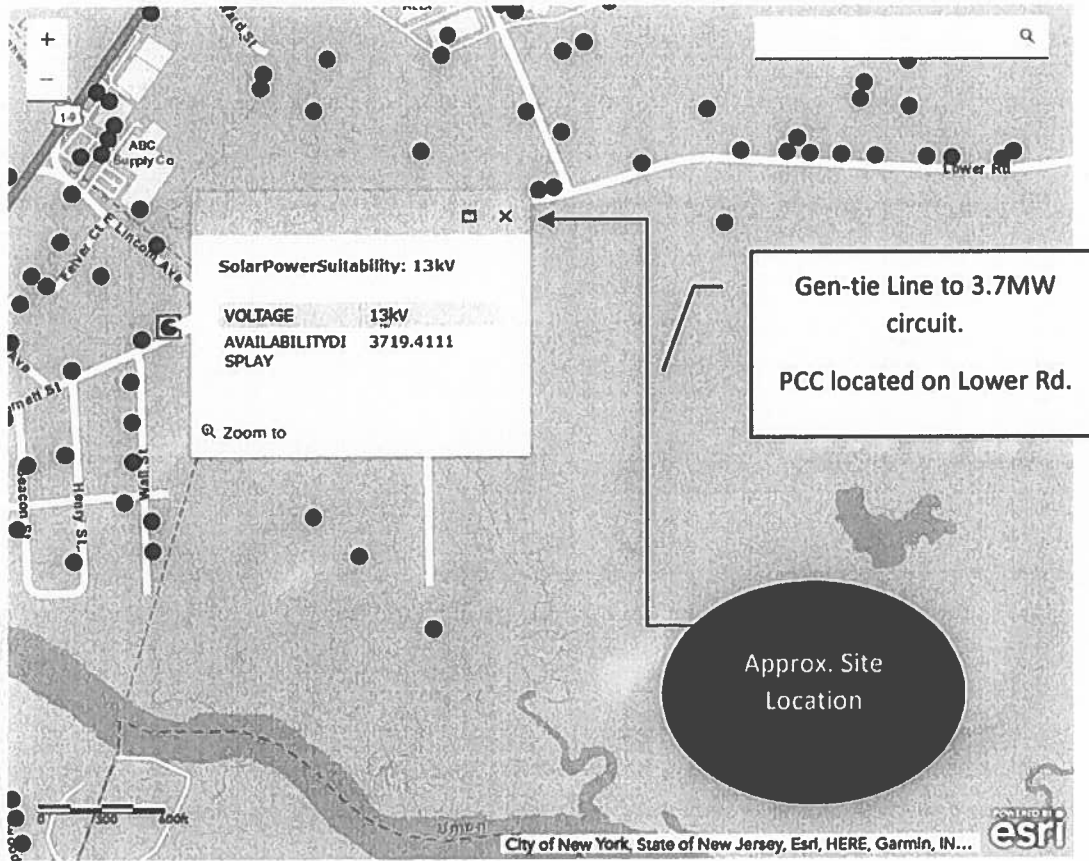
Best Regards,

Derek Armstead



SECRET

Solar Power Suitability Map at Project Location



Proposed Linden Landfill Solar Site: 3.6MW

Available Capacity : 3.7MW

3.6 < 3.7 **OK**

CITY OF LINDEN

**LEASE OF THE LINDEN LANDFILL
FOR DEVELOPMENT AND
MAINTENANCE OF A SOLAR
SYSTEM**

JUNE 6, 2019

11:00 AM

PLANNING BOARD ROOM #215

BID PROPOSAL FORM
CITY OF LINDEN

Please be advised that the undersigned hereby declares that they have carefully examined the specifications for: **The Lease of the Linden Landfill for the Development and Maintenance of a Solar System, Linden, County of Union, New Jersey**, for which bids were advertised to be received on 11:00 A.M., prevailing time, on June 6, 2019, The City of Linden Municipal Building, in the Planning Room, 3rd Floor, #215, 301 North Wood Avenue, Linden, New Jersey 07036, and having examined the Specifications on file in the Purchasing Agent Office, as well as advertisement for bids and will contract to do all the work mentioned in said Specifications for the entire work in the manner prescribed therein, at the unit process specified opposite the different items.

The Lease of the Linden Landfill for the development and maintenance of a Solar System:

A. Lease Payments

Monthly Lease Fee in Numbers

Monthly Lease Fee in Words

B. Costs to City, if Any (please describe)

C. Professional/Administrative Reimbursement to City, if Any (please describe)

The bid shall be awarded to the highest qualified bidder, as further set forth in Section O, "Contract Award". The Bidder, if doing business under a trade name or partnership, must submit the bid under the exact title of the trade name or partner, and, if a corporation, the exact corporate title must be set forth. A corporation must also affix its corporation seal and indicate the name of the state in which it became incorporated and the titles of the corporate officers authorized by corporate resolution to execute agreements in its behalf.

The undersigned is a Corporation, Partnership or Individual under the laws of the State of

Company Name

Federal I.D. # / S.S. #

Address

Signature of Authorized Agent

Type or Print Name

Telephone Number

Date

City Council Resolution Awarding Ground Lease	Within 30 days after Submission Deadline
Execution of Ground Lease	Immediately after Award

D. BACKGROUND OF SITE

1) Site Information

The Linden Landfill is designated as Block 581, Lots 11.03 and 17 on the official tax maps of the City of Linden, Union County, New Jersey, running contiguous to the Rahway River and is accessible from Lower Road. The mound footprint of the Linden Landfill comprises of approximately 55 acres. The property is bordered to the north by fuel tank farms and to the west by Kings Creek. The majority of the landfill is surrounded by wetlands and is very well vegetated, while the northern and western areas are lightly forested. Waste placement has resulted in a main refuse mound. There are several industrial and storage uses surrounding the landfill, including an active manufacturing plant that is in talks to expand.

2) Landfill Permitting Status and Required Permits and Approvals

The City's Landfill is subject to the requirements of the NJDEP Closure and Post-Closure Care Approval attached hereto, among other NJDEP requirements identified and discussed below. The Successful Bidder shall be responsible, at its sole cost and expense, to obtain all necessary federal, state, local, and other permits and approvals for the Work and the Solar System including, but not limited to, an NJDEP landfill minor disruption permit.

Prior to the start of construction, the Successful Bidder shall provide preliminary sealed civil engineering drawings of the proposed Solar System showing the proposed contouring and the location of all proposed structures, equipment, and the interconnection pathway to the City's Engineer and Consulting Engineers for their review and comment. The City Engineer and the City's consulting engineers shall deliver written comments to the Respondent noting any required changes to the civil engineering plans necessary to preserve the integrity and functionality of the existing landfill engineering controls. The Respondent shall be responsible, at its sole cost and expense, for revising its civil engineering plans based on the written comments of the City Engineer and the City's consulting engineers and shall submit revised sealed civil engineering drawings for their final review prior to the start of construction.

All Responses to this RFP must account for the presence and continuing functioning and periodic maintenance of the Linden Landfill engineering controls in place including, but not limited to, the landfill gas capture system. Respondents are advised that the landfill gas capture system is subject to a Clean Air Act Title V permit.

c) Stormwater Management System

A stormwater management system was installed at the landfill between 2005 and 2006. The system consists of the following:

- Stormwater channels which are located around the landfill mound;
- Gabion down chutes & concrete flow structures;
- Gabion Spillways;
- A detention basin.

The stormwater channels convey stormwater runoff to the gabion down chutes and concrete flow structures, which in-turn convey the runoff to the gabion spillways. The spillways control the flow of the runoff into the detention basin, located at the northern edge of the landfill, which drains the stormwater into an un-named tributary of the Rahway River.

4) 2007 ACO and Wetlands Enhancements and Waterfront Access

An April 25, 2007 Administrative Consent Order ("ACO") required the City to prepare a Wetlands Mitigation/Enhancement Plan (the "WME Plan"). The City has prepared the WME Plan and the winning bidder must coordinate the Solar System to be compliant with the WME Plan. The ACO also requires that the City provide waterfront access at the Linden Landfill. No portion of the construction activities, Work, or Solar System can interfere with WME Plan and the waterfront access required by the ACO.

E. COMMUNITY SOLAR OR OTHER INCENTIVES

1) Community Solar

On May 23, 2018, P.L.2018, c.17 (the "Clean Energy Act," formerly known as A3723/S2314) was signed into law, directing the New Jersey Board of Public Utilities ("BPU") to adopt rules and regulations establishing a Community Solar Energy Pilot Program ("Pilot Program") within 210 days. Community solar will make solar available to more state residents by allowing customers of an electric public utility to participate in a solar project not actually located on their property. Instead, the system can be located in a subscriber's electric utility service territory.

On October 1, 2018, the Community Solar Energy Pilot Program Rule Proposal ("Rule Proposal") was published in the New Jersey Register. The Rule Proposal proposes that projects be selected by the Board for participation in the Pilot Program through a competitive application process.

On January 17, 2019 the BPU approved the three-year Community Solar Energy Pilot Program Rules. The Pilot Program will earmark 40 percent of the overall program capacity for low- and moderate-income projects. Pilot Program will be able to garner market information and implementation data, which will ultimately inform the development of a permanent community solar program over the next three years. The Pilot Program has an annual capacity limit of 75 megawatts (MW) for the first year and at least 75 MW for the second and third years.

providing additional training at the Site when any equipment or technology is replaced or updated, or if requested by local emergency response officials due to a change in key emergency response personnel.

Upon termination of the lease, the Successful Bidder will remove all equipment, including, but not limited to, panels, racks, concrete blocks and exposed conduits, and return the portion of the property on which the System was installed to its original conditions. The Successful Bidder shall be responsible for posting any financial security for decommissioning required by the City.

The Successful Bidder will be responsible for payment of any taxes arising from the lease of City land and the System.

G. SITE WORK, SECURITY AND MAINTENANCE REQUIREMENTS

The Successful Bidder shall be responsible for performing vegetation management within the lease area in accordance with requirements of the City. Mowing shall be done at a frequency to be approved by the City (at least two (2) times per year minimum).

The Successful Bidder shall maintain the landfill cap to ensure there is no erosion of slopes, slumping of the cap surface, or ponding of stormwater. All such maintenance shall be coordinated with City personnel and shall be inspected and approved by same.

The Successful Bidder shall be responsible for the installation, periodic inspection, and maintenance of Site-specific safety and security requirements, including signage and perimeter fencing, and other measures as may be required to comply with permits and approvals.

Before submitting a bid proposal, each vendor will be responsible for requesting or obtaining such additional studies and data concerning conditions at the Site or otherwise which may affect the vendor's ability to promptly enter into the contract, if selected, or which the vendor otherwise reasonably deems necessary to develop a proposal to undertake the project in accordance with the terms and conditions of this RFP.

H. GENERAL NOTICES AND REQUIREMENTS

1) This RFP and Lease Agreement are being issued pursuant to the provisions of the "Local Lands and Buildings Law" (*N.J.S.A. 40A:12-14 et seq.*), and all Proposals must comply with the requirements therein.

2) All Proposals submitted in response to this RFP must be complete in order to be evaluated. Any incomplete Proposal will be rejected without further review.

3) The Successful Bidder shall comply with all applicable federal, state, City and local statutes, rules and regulations, including applying for, obtaining, and paying for and all necessary federal, state, or local permits for the Project including, without limitation, any required NJDEP landfill disruption permits, waterfront development permits, flood hazard area requirements and the like. Failure to comply with law or have the proper permits will be cause for termination of any contracts entered into.

K. PROCEDURES FOR SUBMITTING BID PROPOSALS

All Respondents shall submit ten (10) hard copies and ten (10) electronic "USB flash drive" copies of their responses. Sealed bid proposals will be received, opened and read in public by Ann Marie Whelan, Purchasing Agent, at City Hall, 301 N. Wood Avenue, Linden, NJ 07036 Planning Board Room #215 at 11:00 A.M. on June 6, 2019. Proposals may be submitted in person, by U.S. certified mail return receipt requested or by private courier service. Mail proposals to: Ann Marie Whelan, Purchasing Agent, at City Hall, 301 N. Wood Avenue, Linden, NJ 07036 Planning Board Room #215. The City shall not be responsible for the loss, non-delivery or physical condition of proposals sent by mail or courier service.

- 1) Sealed bid proposals will be received by the designated representative at the time and place stated in the Notice to Bidders, and at such time and place will publicly be opened and read aloud.
- 2) Sealed bid proposals must be submitted individually in a sealed envelope clearly marked "SOLAR LEASE BID", on the outside of the envelope
- 3) It is the bidder's responsibility to see that the bids are presented to the City on the hour and at the place designated. Bids may be hand delivered or mailed; however, the City disclaims any responsibility for bids forwarded by regular or overnight mail. If the bid is sent by overnight mail, the designation in paragraph 2, above, must also appear on the outside of the delivery company envelope. Bids received after the designated time and date will be returned unopened.
- 4) Sealed bid proposals forwarded to the City before the time of opening of bids may be withdrawn upon written application of the bidder who shall be required to produce evidence showing that the individual is or represents the principals involved in the bid. Once the bids have been opened, they must remain firm for a period of (60) calendar days.
- 5) All prices and amount must be written in ink or preferably typewritten. Bids containing any conditions, omissions, unexplained erasures or alterations, items not called for in the bid proposal form, attachment of additive information not required by the specifications, or irregularities of any kind, may be rejected the by City. Any changes, white-outs, strike-outs, etc. on the proposal page must be initialed in ink by the person responsible for signing the bid.
- 6) Each bid proposal form must give the full business address of the bidder and be signed by an authorized representative. Bids by partnerships must furnish the full name of all partners and must be signed in the partnership name by one of the members of the partnership or by an authorized representative, followed by the signature and the designation of the person signing. Bids by corporations must be signed in the legal name

- 3) The Successful Bidder shall comply with the requirements of the New Jersey Department of Environmental Project ("NJDEP") Closure and Post-Closure Care Approval, and shall be responsible, at its sole cost and expense, to obtain all necessary federal, state, local, and other permits and approvals including, but not limited to, an NJDEP landfill minor disruption permit.
- 4) Prior to the start of construction, the Successful Bidder shall provide preliminary sealed civil engineering drawings of the proposed Solar System showing the proposed contouring and the location of all proposed structures, equipment, and the interconnection pathway to the City's Engineer and Consulting Engineers for their review and comment. The City Engineer and the City's consulting engineers shall deliver written comments to the Successful Bidder noting any required changes to the civil engineering plans necessary to preserve the integrity and functionality of the existing landfill engineering controls. The Successful Bidder shall be responsible, at its sole cost and expense, for revising its civil engineering plans based on the written comments of the City Engineer and the City's consulting engineers and shall submit revised sealed civil engineering drawings for their final review prior to the start of construction.
- 5) The Successful Bidder must account for the presence and continuing functioning and periodic maintenance of the Linden Landfill engineering controls in place including, but not limited to, the landfill gas capture system. Bidders are advised that the landfill gas capture system is subject to a Clean Air Act Title V permit.
- 6) The Successful Bidder shall be responsible, at its sole cost and expense, for the maintenance of the integrity of the landfill cap.
- 7) An April 25, 2007 Administrative Consent Order ("ACO") required the City to prepare a Wetlands Mitigation/Enhancement Plan (the "WME Plan"). The City has prepared the WME Plan and the Successful Bidder must coordinate the Solar System to be compliant with the WME Plan. The ACO also requires that the City provide waterfront access at the Linden Landfill. No portion of the construction activities or Solar System can interfere with WME Plan and the waterfront access required by the ACO.
- 8) Bidders shall comply with the insurance and indemnification requirements of the City, as set forth in the draft Lease Agreement, attached as Attachment # 1.
- 9) Except to the extent contemplated in the proposal and permitted in the lease, the lease will prohibit assignment or subcontracting without the express prior written approval of the City.
- 10) The initial lease term, including optional extension, shall be up to 20 years.

2) Capital finance capability.

Vendors shall submit a financial statement for the City prepared in accordance with generally accepted accounting principles, reflecting the current financial condition of the vendor. Financial statements shall explain in detail how the vendor will finance the project and assure lease payments from the time of lease execution to decommissioning.

3) Relevant solar project development experience.

Vendors must demonstrate the capability to competently and responsibly develop a System for the City. To help the City determine the qualifications and ability of the vendors, please include the following:

- a) A list and description of the number, size, location and total capacity of commercial solar photovoltaic energy systems installed by the vendor on capped landfills utilizing ground-mounted systems, including the type of photovoltaic module used and current operation status of the system(s). Describe the exact role(s) your organization performed for the projects (e.g. material supplier, lead contractor, electrical subcontractor, etc.) as well as challenges that are unique to capped landfill projects.
- b) A list and description of the number, size, location and total capacity of all other solar photovoltaic energy system projects completed within the past three (3) years, including the type of photovoltaic module used and current operation status of the system(s). Describe the exact role(s) your organization performed for the project (e.g. material supplier, lead contractor, electrical subcontractor, etc.).
- c) A list and description of any ongoing projects, indicating the stage of development of each project.
- d) A list of the total capacity of operational solar photovoltaic energy system installations completed to date.
- e) A detailed description of the vendor's experience working with the New Jersey Department of Environmental Quality, the Environmental Protection Agency, and any other Federal, State or local regulatory authorities.
- f) A detailed description of the vendor's experience working with local planning commissions, city councils, or City commissions in securing permits and project approvals. Vendors will be required to provide copies of all certificates, notifications, permits, and other documentation relevant to this RFP prior to and during project implementation as applicable.
- g) A detailed overview of the vendor's ability and approach to providing emergency and routine responses as may be required for maintenance of the System, Site, and cap. This shall include the vendor's intended Operation and Maintenance Plan for the Site.

disclose all financial terms contemplated by the vendor should it enter a lease with the City for the purposes described in this RFP, including:

- a. Any costs the vendor expects will be incurred by the City during the possible twenty (20) year lease period and for which the vendor will require be the responsibility of the City, if any.
- b. All lease payments being offered by the vendor, including rates, timing, and duration.
- c. Any allowance for an Administrative Reimbursement for the outside engineering and legal expenses incurred by the City in connection with this procurement, which shall be paid within sixty (60) days of execution of the lease.

O. CONTRACT AWARD

All bid proposals for the Lease Agreement shall be referred to the City Council for final review and approval pursuant to *N.J.S.A. 40A:12-14 et seq.* Bids shall be irrevocable until such time as the City has accepted the highest qualified bid and has also accepted and agreed to execute the lease agreement referenced herein. The highest qualified bidder, as designated by the City, shall be recommended for award. The City reserves the right to accept the highest qualified bid or to reject any and all bids, including the highest qualified bid, and shall make its decision known by resolution after bids are received and considered by the City Council for final review and approval. If an award is made by the City Council, the Successful Bidder shall immediately execute a lease agreement, which shall include such terms and conditions required by the City, as well as incorporate by reference the terms and conditions specified herein.

The City will evaluate bid proposals for the lease based on the responses provided to the requirements set forth herein.

The form of the Lease Agreement is attached to the RFP for Bidders to review and acknowledge prior to their bid submissions. Material terms of the Lease Agreement are not negotiable after award. Any requested material changes must be submitted and identified with the bid proposal.

P. BID BOND/GUARANTEE

Bidder shall submit with the bid a certified check, cashier's check or bid bond in the amount of ten percent (10%) of the total bid price, but not excess of \$20,000, payable unconditionally to the City of Linden. When submitting a Bid Bond, it shall contain Power of Attorney for the full amount of the Bid Bond from a surety company authorized to do business in the State of New Jersey and acceptable to the City. The check or bond of the unsuccessful bidder(s) shall be returned as prescribed by law. The check or bond of the three highest bidders shall be retained until a contract is executed and the required performance bond or other security is submitted. The check or bond of the successful bidder shall be forfeited if the bidder fails to enter into contract pursuant to N.J.S. A. 40A:11-21.

All successful vendors must submit, within seven days after the receipt of the notice of intent to award the contract or the receipt of the contract, one of the following:

1. A photocopy of their valid letter for an approved Federal Affirmative Action Plan (good for one year from the date of the letter), or
2. A photocopy of their approved certificate of Employee Information Report, or
3. If the vendor has none of the above, the public agency is required to provide the vendor with an initial Affirmative Action Information Report (AA-302).

b. Construction Contracts

All successful contractors must submit within three days of the signing of the contract an Initial Project Manning Report (AA201-available upon request from the State's Affirmative Action Office) for any contract award that meets or exceeds the bidding threshold.

c. American with Disabilities Act 1990

B. Prevailing Wage Act (When Applicable)

Pursuant to N.J.S.A. 34:11-56.25 et seq., successful bidders on the projects for public works shall adhere to all requirements of the New Jersey Prevailing Wage Act. The contractor shall be required to submit a certified payroll record. Such certified payroll record must be submitted within ten (10) days of the payment of the wages. The contractor is also responsible for obtaining and submitting all subcontractors' certified payroll records within the aforementioned time period. The contractor shall submit said certified payrolls in the form set forth in N.J.A.C. 12:60-6.1(c). It will be the contractor's responsibility to obtain any additional copies of the certified payroll form to be submitted by contacting the Office of Administrative Law, CN 049, Trenton, New Jersey 08625 or the New Jersey Department of Labor, Division of Workplace Standards.

C. Stockholder Disclosure

Chapter 33 of the Public Laws of 1977 provides that no corporation or partnership shall be awarded any contract for the performance of any work or the furnishing of any materials or

3. During the term of this contract, the contractor and its affiliations shall collect and remit, and shall notify all subcontractors and their affiliates that they must collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sale and Use Tax, (N.J.S.A. 54:32B-1 et seq.) on all sales tangible personal property delivered into this State.

All contractors, sub-contractors or suppliers who fail to provide proof of business registration or provides false business registration information shall be liable to a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration not properly provided or maintained under a contract with a contracting agency. Information on the law and its requirements available by calling (609) 292-9292.

To be submitted with bid.

S. REQUIRED FORMS

Vendor must complete all of the City's required procurement and vendor forms, attached hereto.