

**Solicitation for Proposals to
Develop Off-Shore Wind Renewable Energy
Facilities Supplying Electricity
to the Distribution System Serving
New Jersey**

Responses Due by January 16, 2008

Issued by New Jersey Board of Public Utilities

October 5, 2007

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1.0 PROGRAM INFORMATION

1.1 PROGRAM SUMMARY

The Board of Public Utilities (Board) announces a pilot competitive incentive and financing program to encourage the development of an off-shore wind renewable electricity generation pilot project serving the electricity distribution system in New Jersey. Funding for this program will come from the New Jersey Clean Energy Program (NJCEP) through the New Jersey Economic Development Authority (NJEDA). In its 2008 Renewable Energy budget development process, the NJ Office of Clean Energy (NJOCE) will recommend to the Board that new 2008 NJCEP funding be allocated to the NJEDA trust to ensure the availability of funds totaling \$19 million, in part to make or fulfill commitments from this solicitation. The Board anticipates that in setting the budget for the 2008 NJCEP it will have the funds available and seeks proposals to install as a pilot an aggregate capacity of up to 350 MW in offshore renewable wind electricity generating technology at the economic terms and environmental performance most advantageous to the New Jersey resident ratepayer and taxpayer. The financial incentive would be in the terms of a production incentive paid out over 5 years. A portion of this production incentive could be provided in an upfront payment. This grant solicitation is developed as a performance grant. Payments will be made to the applicant only after the pilot is permitted, constructed and operational. These payments will be tied to the actual electric production on an annual basis.

This solicitation's objective is to gain and document experience constructing and operating offshore renewable wind energy pilot projects in New Jersey. The selected proposal(s) will demonstrate the superior ability of the proposed project team to construct an offshore wind pilot project which will operate over a long period of time, overcome barriers to private investment in renewable energy, and determine if it is appropriate to build additional projects.

Proposals that provide renewable wind energy generation using emerging technologies that maximize energy production during peak demand periods with the least impact on natural resources, tourism and other uses of the ocean will be given preference. Proposals that provide clean energy generation that address load pocket or congestion problems within the Atlantic City Electric (ACE) distribution system and the PJM transmission system are preferred. Other criteria that will also be considered based on the information gathered from the project, are those that encourage increased energy security, reliability and maximized environmental benefits.

Proposed projects must demonstrate an ability to finance construction through market sources, which may include tax exempt bond financing through the NJEDA. The Board is partnering with the EDA to provide long-term low-interest financing to renewable energy projects. Respondents seeking low-interest, tax exempt bond financing may be required to qualify under the standards set forth in the Internal

Revenue Tax Code (IRC) in addition to the general credit, underwriting, public purpose, and programmatic parameters discussed in this solicitation. There are several qualifying categories under the IRC for financing using tax-exempt debt that may be relevant to the types of projects contemplated under the NJCEP. Projects that do not qualify for tax-exempt bond financing under the IRC may still qualify for taxable bond financing or other loan products available under the NJCEP.

The Board will accept proposals for funding up to and including January 16, 2008. Funds not utilized in this program may be made available for future solicitation(s).

Proposals must be limited to the geographic coordinates defined as the “study area” in the “Solicitation for Research Proposals Ocean / Wind Power Ecological Baseline Studies” (Ecological Baseline Studies) issued on April 19, 2007 by the Division of Science Research and Technology in the New Jersey Department of Environmental Protection (NJDEP) found at <http://www.state.nj.us/dep/dsr/srp-wind.html> and in the Request for Proposal “Assessment of Potential Costs and Benefits of Off-Shore Wind Turbines” (Economic Assessment) issued May 14, 2007 by the New Jersey Commerce, Economic Growth and Tourism Commission (NJ Commerce) found at http://www.state.nj.us/commerce/pdf/rfp/rfp_njc050407.pdf. Preference will be given for proposals that significantly assist in relieving or reducing congestion in the ACE distribution system and the PJM transmission system.

The “study area” is generally defined in the NJDEP request for proposal as an area extending from the coastline out to 20 nautical miles offshore. The northern boundary is Seaside Park, and the southern boundary includes Stone Harbor, in Cape May County. This represents approximately 72 miles of the NJ coastline. Applicants must document their plan for adapting their proposals and construction activities based upon the results of the Ecological Baseline Studies and Economic Assessment to be in coordination with, or to supply additional and ongoing data for the studies and assessments. In addition, the proposed project must obtain any necessary permits based on the information expected to result from the Programmatic Environmental Impact Statement (EIS) process managed by the United States Department of Interior’s (USDOI) Minerals Management Service. Guidance on environmental impact assessments will be available to the awardee by calling the NJDEP Office of Permit Coordination and Environmental Review, and obtaining the document, “Environmental Assessment” at 609-292-2662 or visiting the website at <http://www.nj.gov/dep/opppc/permitcoor.htm>. Additionally, the NJDEP’s Office of Permit Coordination and Environmental Review coordinates the departmental reviews of Environmental Assessment (EA) and Environmental Impact Statements (EIS) that have been prepared pursuant to regulatory requirements of the National Environmental Policy Act (NEPA) and New Jersey Executive Order No. 215 of 1989 (EO#215). Applicants are encouraged to review the website cited above in the preparation of their proposal.

The award of the grant and its payment are contingent upon the successful entity or project team obtaining all required local, State and/or federal permits and/or

approvals. Failure to do so will result in the grant award being rescinded without any further obligation, financial or otherwise, on the part of the State. The State, in its sole discretion, has the right to cancel/rescind the grant award if data collected or analyses conducted through the studies or this award indicate that the construction and/or operation of the offshore wind project would have unacceptable adverse impacts on wildlife, ocean uses, ocean resources, or the environment, economy or tourism.

1.2 PURPOSE AND INTENT

The Board seeks proposals to develop the most cost effective ocean-based wind renewable energy facilities to be located in the territorial waters of New Jersey or in waters under federal jurisdiction capable of supplying electricity to the distribution system serving New Jersey. Projects are expected to supply electricity to the PJM Power Pool. The winning proposal is intended to diversify the portfolio of renewable energy technologies used to provide power and environmental benefits utilizing the PJM Power Pool, including those in New Jersey; to accelerate the deployment of large-scale renewable power plants; and demonstrate the development of ocean-based, wind powered renewable energy technologies serving New Jersey.

Toward the goal of successful implementation of the full intent of the Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49 et seq., (Act), the Board will provide an arena in which ocean-based renewable energy technologies, which may not be able to compete as yet on a first-cost basis, are given the opportunity to prove themselves as viable alternatives to traditional electricity supply. Life-cycle environmental impacts and the need to foster diverse technologies, as well as total project costs and benefits, will be considered by an evaluation team when reviewing project proposals. Data must be supplied on the environmental attributes of each of the various renewable technologies proposed in coordination with the NJDEP Ecological Baseline Studies and NJ Commerce Economic Assessment.

Each project offered in response to this solicitation must document all associated impacts from pre-construction activities through decommissioning including but not limited to environmental, tourism, natural resource, navigation, historic view shed, fisheries or other local economic impacts. These impacts may include, but are not limited to, sea-bed disruption of marine life, morbidity or mortality among avian, mammal or benthic populations, emissions of combustion by-products to the air or oil or other toxic releases to the ocean, or solid waste generation. Applicants must demonstrate how they intend to adapt their proposal and construction activities to minimize the impacts to the natural resource, tourism and other ecological and economic attributes identified in the NJDEP's Ecological Baseline Studies, the USDO's EIS and the NJ Commerce Economic Assessment, which will be issued some time during the period between proposal submission and the start of construction.

The pilot scale project shall conduct environmental monitoring and natural resource data collection prior to, during and following construction of the pilot scale facilities for a time period of sufficient duration to determine potential and actual impacts. This data collection will complement and supplement data collected by the NJDEP Ecological Baseline Studies and the EIS results. This includes the collection of monitoring data on the distribution, abundance and migratory patterns of avian, marine mammal, sea turtle, fish, shellfish and other species in the proposed pilot study area including a buffer area. Data will be collected on the distribution of other existing natural resources, including, but not limited to, shoals, sand borrow areas, artificial reef sites, and other pre-existing resources in the pilot project area and buffer area. These data, as well as existing (historical) data, will be compiled and entered into digital format and GIS-compatible electronic files for submittal to the NJDEP. Awardee(s) under this solicitation will be required to confer with the NJDEP, Division of Science, Research and Technology, when compiling the data collection.

The presentation of projects demonstrated as likely to be accepted by the surrounding community are very important in this solicitation. For this reason, the Board is seeking proposals that include a public participation plan. This test project for wind development will be carefully monitored and tightly controlled and since reliable long-term operation of any approved project is also very important to the Board and the ratepayers of New Jersey, demonstration of an operations and maintenance plan is required and must be submitted as part of the proposal.

The grant solicitation has been developed as a performance grant opportunity. Therefore, significant energy production should be demonstrated in the proposal. Payments will be made to the successful applicant only after the test project is permitted, constructed and operational except for the 10% upfront payment. The proposed wind project should produce clean electricity to assist in helping New Jersey's meet its growing demand for electricity. Per a study conducted by Navigant Consulting Inc., and reported in the State's Blue Ribbon Panel on Development of Wind Turbine Facilities in Coastal Waters Interim Report, New Jersey has 2,500 MW of technical potential in helping the State meet its electricity demand. Eligible technology for this solicitation is limited to wind. Therefore, the applicant's ability to demonstrate the feasibility of the wind technology should be demonstrated. In addition, significant level of energy production will be addressed by the applicant and will be evaluated under the review process. The wind technology should be demonstrated as viable, cost competitive, and suitable for use in New Jersey's harsh, offshore environment under varying meteorological and climate conditions. The wind technology shall be a working forum in which to understand the impact of offshore wind on New Jersey.

1.3 BACKGROUND

N.J.S.A. 48:3-60(a)(3) required that the Board undertake a Comprehensive Resource Analysis (CRA), originally consisting of existing energy efficiency policies

and programs. The CRA included, but was not to be limited to, “an assessment of existing market barriers to the implementation of energy efficiency and renewable technologies that are not or cannot be delivered to customers through a competitive marketplace.” N.J.S.A 48:3-51. This analysis has led to careful consideration of a myriad of programs and technologies, ranging from the familiar energy efficiency appliance programs to new programs utilizing Class I renewable energy defined as, “electric energy produced from solar technologies, photovoltaic technologies, wind energy, renewably-fueled fuel cells, geothermal technologies, wave or tidal action, and methane gas from landfills or a biomass facility provided that the biomass is cultivated and harvested in a sustainable manner.” N.J.S.A. 48:3-51.

In “In the Matter of the Petition of the Filings of the Comprehensive Resource Analysis of Energy Programs Pursuant to Section 12 of the Electric Discount and Energy Competition Act of 1999,” Docket Number EX99050347 et al., dated March 9, 2001 (CRA Order), the Board took another step to implement the Act. The Act provided that the long term energy needs of New Jersey consumers shall be met in an environmentally sound manner requiring the Board to reevaluate existing energy efficiency policies and programs, consider new energy supply alternatives, and foster creation of new energy resources to facilitate competitive and diverse electricity supply for New Jersey, including renewable energy sources. N.J.S.A. 48:3-60(a)(3). By its March 9, 2001 CRA Order, the Board determined the funding level for the first three years of the minimum of the Act’s required eight years of funding for CRA programs, the programs to be funded, the funding allocation and the initial program administration. The total funding for what is now called the New Jersey Clean Energy Program was \$115 million for 2001, \$119.326 million for 2002, \$124.126 million for 2003 and \$124.126 million for 2004. In addition, the Board determined that \$15 million would not be collected unless needed for cash flow requirement for 2004 programs. The Board allocated the funding at a proportion of 75/25 between energy efficiency and renewable energy programs, respectively.

By Order dated December 23, 2004, the Board approved the 2005 to 2008 Clean Energy Program funding levels. Total funding for 2005 was \$140 million, \$165 million was approved for 2006, \$205 million for 2007, and \$235 million for 2008. The 2005 funding level of \$140 million includes the additional \$15 million required by the CRA Order.

The Board and its Office of Clean Energy (OCE) administer the Renewable Energy Programs that are part of the New Jersey Clean Energy Program. The Office of Clean Energy is also charged with implementing the Renewable Portfolio Standard (RPS), which requires electric suppliers to include a certain percentage of Class I and Class II renewable energy supply in their generation portfolio. Renewable electricity generation projects funded through the New Jersey Clean Energy Program qualify the project owner for Renewable Energy Certificates (RECs) used by regulated entities toward meeting the requirements of the Renewable Portfolio Standard in accordance with the guidelines established by the Board.

On December 23, 2004, Governor Codey created a Blue Ribbon Panel on Development of Wind Turbine Facilities in Coastal Waters. The Blue Ribbon Panel was charged with “identifying and weighing the costs and benefits of developing offshore wind turbine facilities, and considering both economic and environmental costs and benefits.” The Blue Ribbon Panel was directed to “consider the need for offshore wind turbines and a comparison to other electric power sources, including fossil, nuclear and renewable fuels as part of the State's long-term electricity needs.” On May 1, 2006, the Blue Ribbon Panel delivered to Governor Corzine a report providing policy recommendations regarding the appropriateness of developing offshore wind turbine facilities. The results of the Blue Ribbon Panel can be found at <http://www.state.nj.us/njwindpanel>.

Proposals should reflect the recommendations of the Risk Evaluation and Assessment contained in Appendix 1 of the Blue Ribbon Panel's final report. Proposals should also plan for the incorporation of the results of the NJDEP's Ecological Baseline Studies and results of NJ Commerce's Economic Assessment. Respondents will be required to commit to conducting site-specific natural resource data gathering and sharing that with the researchers conducting the NJDEP Ecological Baseline Studies. The State, in its sole discretion, has the right to cancel/rescind the grant award if data collected or analyses conducted through the studies or this award indicate that the construction and/or operation of the offshore wind project would have unacceptable adverse impacts on wildlife, ocean uses, ocean resources, or the environment, economy or tourism.

Proposals submitted in response to this solicitation must demonstrate that, should the proposed project be selected, little or no power generation related air emissions will result from its implementation. Federal and State regulations enable or propose air emission trading programs which currently includes oxides of nitrogen, oxides of sulfur and greenhouse gases. The Board and the NJDEP may track electricity production for the completed projects to facilitate accounting of greenhouse gas emissions in New Jersey. Tradable emission credits, tradable renewable energy certificates or other attributes which result from projects funded through NJCEP are the property of the project developer unless otherwise specified.

Contract provisions between the Board and the successful applicant(s) resulting from the award of Clean Energy Program funds under this solicitation will stipulate that in the case of a breach or default on the part of the successful applicant(s), any data or project designs prepared prior to any breach or default shall be provided to the Board for use as it determines. Further, ownership of any air emissions or credits on renewable energy attributes revert to the State or an entity designated by the State until such time as the project financing provided through this program is fully recovered including any fees, penalties or interest, unless otherwise negotiated. Applicants will be required to comply with NJ Treasury Circular Letter 07-05 OMB found at <http://www.state.nj.us/infobank/circular/cir0705b.pdf> which provides the form of Grant Agreement/Contract that parties will be entering with the State, subject to non-material changes to the terms. It should be noted that in the Agreement, in

the event of default by the applicant, ownership of any attributes will revert to the State or an entity designated by the State.

1.4 KEY EVENTS

The solicitation will be issued on October 5, 2007. Funds are expected to be committed on a competitive basis to the applicant or applicants that successfully complete the application process and whose proposal is determined to be most advantageous to the State of New Jersey subject to the availability of funds. The Board reserves the right not to make an award if no acceptable proposal is received. Applicants are responsible for reviewing the Board's website for any Addenda to the solicitation and the State is not responsible for an applicant's failure to do so.

- An optional question and answer conference will be held on October 26, 2007 in the Board Hearing Room in Newark from 1 PM to 3 PM.
- Additional questions may be submitted to the Office of Clean Energy at OCE@bpu.state.nj.us through November 3, 2007. All questions and answers will be summarized and any solicitation addenda will be posted to the Board's website at www.nj.gov/bpu by **November 15**, 2007.
- Proposals are due by 5:00 pm on January 16, 2008.
- Evaluations and award, if any, will be made on or before March 31, 2008.

2.0 DEFINITIONS AND SCOPE OF WORK

2.1 DEFINITIONS

"Air Emissions Credits" – means credits pertaining to oxides of nitrogen (NO_x), sulfur dioxide (SO₂), or various greenhouse gases, granted pursuant to regulatory programs established under the NJ Air pollution Control Act, NJSA 26:2C-1 et seq, or the Clean Air Act, 42 USC 7401 et seq.

"ACE" means Atlantic City Electric Company

"Class I Renewable Energy" for the limited purpose of this solicitation means electric energy produced from commercially available technologies including solar electric generation, photovoltaics, wind energy, renewably fueled fuel cells, wave/tidal, methane gas from landfills or a biomass facility, provided that the biomass is cultivated and harvested in a sustainable manner.

"Electric Discount and Energy Competition Act" or the "Act" means the New Jersey State legislation found at N.J.S.A. 48:3-49 et seq.

“Emission Tradable Credits” means a discrete emissions reduction credit based on reductions of a greenhouse gas as specified by NJDEP.

“Grid Connected” means, for the limited purpose of this solicitation, any project which is either directly connected to the transmission or distribution system.

“PJM Interconnection, L.L.C.” or “PJM ISO” means the Independent System Operator. PJM Interconnection coordinates the movement of electricity through all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia.

“Societal Benefits Charge” means a nonbypassable distribution charge imposed on all electric and gas utility customers as appropriate, N.J.S.A. 48:3-60(a)(3). In accordance with the Act, each electric and gas public utility may recover costs for programs approved under the CRA through a societal benefits charge (“SBC”).

“Study Area” is defined, consistent with that in the NJDEP and NJ Commerce studies, as the waters offshore of the coast of New Jersey starting from the shoreline and continuing out to 20 nautical miles offshore (approximate 100-foot depth contour). This includes the area adjacent to Seaside Park (approximate latitude/longitude 39 55’ 56” N, 74 04’ 10” W) south to Stone Harbor (approximate latitude/longitude 39 01’ 58” N, 74 46’ 11” W) and extending 20 nautical miles perpendicular to the shoreline. This area is approximately 1,360 square nautical miles (i.e., 68 x 20 nautical miles) in size and excludes Delaware Bay and areas off the New Jersey coast with known major constraints for offshore wind power (e.g., air-restricted zones, significant water habitat, shipping lanes).

“Tax-Exempt Bonds” and “Bond Financing” - Tax-exempt bond financing is a form of long-term financing that is subject to the terms and conditions of the Internal Revenue Tax Code (IRC). The interest income earned by the holders of these bonds is exempt from Federal and NJ State Gross Income Tax. Because of these exemptions, an applicant may be able to borrow money at more favorable interest rates than those offered through conventional bank financing. Applicants should consult with a tax advisor.

“Taxable Bonds” and “Taxable Bond Financing” – Taxable bond financing is a form of long-term financing. There are fewer restrictions regarding qualified costs under a taxable bond structure than under a tax-exempt bond structure; however, the interest rate on a taxable bond is typically higher than that of a tax-exempt bond. Taxable bonds typically provide interest rates that are comparable or better than those offered through conventional bank financing.

2.2. SCOPE OF WORK

This section defines the parameters and evaluation criteria of the solicitation to guide applicants in the development of the required Statement of Work which will be used to evaluate proposals.

Only those applications proposing to receive the exact incentives on a per kilowatt hour delivered basis required from New Jersey's Clean Energy Program will be considered. Proposals seeking only to perform feasibility studies or conduct location research will not be funded through this solicitation. However, proposed projects should document how they will support and develop data in coordination with the NJDEP Ecological Baseline Studies and NJ Commerce Economic Assessment. Applicants are expected to reference within their proposal all sources and references used to conduct the project resource characterization, energy production, economic and financial performance, environmental impact, and tourism effects, including but not limited to the;

- New Jersey Shore Opinion Study About Offshore Wind Turbines
- USDOJ Mineral Management Service's Programmatic EIS
- NJDEP's Ecological Baseline Studies
- New Jersey Offshore Wind Feasibility Study. The Atlantic Renewable Energy Corporation. May 2004.
- Rutgers Coastal Laboratory for Applied Meteorology's (CLAM) wind resource assessment work, AWS True Wind, United States Department of Energy (USDOE) or other sources of offshore meteorological data, and
- Primary research and data collection conducted specifically for the proposed project.

Teaming arrangements are encouraged when necessary to meet project goals. Teams may consist of commercial firms, government organizations, universities, or other organizations. Proposed teams should include members who have ocean-based renewable energy plant development and operational experience.

2.2.1 PROPOSAL MINIMUM REQUIREMENTS

In addition to requirements identified elsewhere in this solicitation, proposals for project funding must meet the following minimum requirements to be considered for funding. The Board reserves the right to return any application containing any material deficiency before conducting a technical evaluation.

- Total installed capacity in megawatts for the entire project as well as each project area proposed along with the expected annual energy production in megawatt-hours for each distinct technology or project area is required to be fully documented to enable evaluation of the project size in relation to the amount of NJCEP incentive requested.

The total amount of clean energy being generated over the term of the grant and the life of the turbines should also be provided;

- Project Developers must demonstrate applicable experience in projects of the size and scope proposed. Proposals must include a comprehensive business plan with fully documented estimates of all associated and relied upon revenue and expense projections expressly and explicitly defined;
- The proposal must list all relevant team members and include resumes of members on the team that have an identifiable track record in construction and operations of power plants of similar size and scope;
- A maximum of 10% of the total grant production credit may be requested under this grant solicitation to be paid in the form of an upfront, payment for design, engineering, and permitting costs. Applicants must submit an estimated accounting of all pre-construction costs as part of the proposal to enable a determination of eligible costs. If the winning applicant has requested an upfront production-based payment, the Awardee will be required to submit a full and detailed accounting of all actual pre-construction costs to the OCE to enable a determination of eligible costs and the structuring of a contract;
- Since the financial incentive available is only a percentage of the total cost, there is no minimum level of cost sharing by the applicant, however, higher levels of cost sharing by the applicant are preferred and will be given relatively higher weight in the proposal evaluation than lower levels of cost sharing;
- Applicants must demonstrate that they have the financial resources to perform the proposed work, appropriate technical expertise, access to adequate facilities or the ability to get them, a good performance record and be qualified for an award under all applicable laws and regulations. Applicants will be required to demonstrate to the State, through the submission of audited financial statements or other evidence of adequate financial capacity to ensure that the project can be successfully completed as set forth in this Solicitation and the successful applicant(s) proposed.
- Applications will be accepted proposing any size wind turbine and project capacity with an aggregate capacity not to exceed 350 MW. The project(s) proposed must be installed at one or more sites within the study area defined by the NJDEP's Solicitation for Research Proposals for Ocean/Wind Power Ecological Baseline Studies.

- The proposal must specify the expected project time requirements in the aggregate from start to finish as well as the time required to accomplish each specific activity related to project design, resource monitoring, impact studies, permitting, construction, and decommissioning activities with associated milestones delineated for each category of activity. Proposals must also estimate an expected useful economic life as well as specify a project decommissioning plan for the technology and installation area proposed;
- The proposal should demonstrate to the greatest extent possible how the project will address current or potential future load pocket or constraint problems within the ACE or other electric distribution system and the PJM transmission system. This includes a description of the interconnect to the PJM system;
- The proposal must document how the project team will coordinate with the NJDEP Ecological Baseline Studies and NJ Commerce Economic Assessment and how the project will, if necessary, be adapted to comport with the final results of the studies;
- The proposal must include a full cost accounting of the project with a calculation of the amount of the production credit incentive requested as a percentage of the total construction costs;
- The Board through NJCEP encourages the development and production of goods and services in the State. To that end, please disclose the extent to which the technology and project proposed will be manufactured in New Jersey and constructed by New Jersey-based businesses.

3.0 PROPOSAL SUBMITTAL

3.1 PROPOSAL INSTRUCTIONS

Proposals may be hand-delivered or delivered via US Mail or Overnight to:

Alma Rivera
Office of Clean Energy
New Jersey Board of Public Utilities
Via 8th floor receptionist
Two Gateway Center
Newark, NJ 07102

- All proposals are due by 5:00 pm on January 16, 2008. Proposals that are received by the Board will be logged and time-stamped. Proposals must be delivered to the Board's Office in Newark as described above. Applicants

must deliver or mail (5) copies of the proposal. Please direct email inquiries to Alma.rivera@bpu.state.nj.us.

- Applications received shall be open for inspection and be considered public records after the proposal due date. If the applicant believes that information contained in its proposal merits confidential treatment pursuant to OPRA, any such purportedly confidential information submitted to the Board shall be specifically identified and marked by the applicant and submitted to Board Staff in compliance with the Board's regulations at N.J.A.C. 14:1-12 et seq.

3.2 PROPOSAL PREPARATION

Every proposal must include the required information as set forth within this solicitation. To facilitate the submission of similarly formatted proposals that enable ready comparison by evaluators, applicants should organize proposals as follows:

1. Cover Sheet (limit 1 page)
2. Abstract (limit 1 page)
3. Project Description
4. Timeline of Project Related Milestones
5. Statement of Work
6. Project Economics and Associated Financial Statements
7. Project Team
8. Decommissioning Plan

3.2.1 COVER SHEET

All proposals must include a cover sheet that includes all of the following information:

- Name of Proposal (assigned by the project team to be used for reference purposes)
- Name of Primary Contact
- Name of Primary Applicant's Organization

- Mailing Address, Phone Number, Fax Number, Email Address, and Web Address of the primary applicant
- Specific location of the proposed facilities including mid-point of generator array and all points of interconnection with the electric distribution system
- Longitude and latitude of project mid-point if proposal is contained within one contiguous area or mid-points if multiple project areas are proposed
- Number of wind turbines or technologies proposed with associated capacity of each expressed in megawatts
- Expected annual electricity production in megawatt hours
- Total amount requested in NJCEP incentives with a breakdown between upfront and ongoing production-based payments
- Amount of incentive expressed in dollars per megawatt hours delivered
- The expected timeframe for the production credit which shall be no longer than 5 years
- Contact Person and Affiliation of all partnering organizations
- An Executive Summary of the project not to exceed 50 words which includes the technologies to be funded and the specific location(s)
- Applicant must report the expected useful life of the turbines
- Applicant must set forth in a chart or schedule format the anticipated production from the turbines over their anticipated life

Proposals that do not include the material information above will be disqualified from further consideration. Further descriptions of these items are also required in the subsections below.

3.2.2 ABSTRACT – (*limit – 1 page*) Summarize the project. Include: the name of the proposal, the proposed status of project development, proposed operation date, specific location, number of wind turbines proposed including aggregate project megawatt capacity, ocean area required expressed in square miles or acres, number and location of all points of interconnection with the electric distribution system, and a general site description (i.e., NJ territorial waters 1 mile off the coast of X).

3.2.3 PROJECT DESCRIPTION

This section of the solicitation is designed to guide applicants in organizing their proposals in a consistent fashion to facilitate evaluation. Applicants should demonstrate within the relevant sections of their project descriptions how their proposal meets or exceeds the criteria set forth in Section 2.2 Scope of Work.

In the body of the proposal titled “Project Description,” applicants must provide the following information with the associated descriptive headings in bold below:

Previous Experience – The applicant must describe the work done to date by the project team members in developing the proposed project or projects of similar scope especially any ocean-based energy project or New Jersey large scale energy project siting work accomplished. If the work described was not performed by the entire team, delineate the experience or work performed by team member. Applicants will be required to certify after award that its proposed project team will remain the project team for the duration of the project, subject to any changes approved by the Board. Because this is a multi-year project and construction is not likely to begin until well after the award selection and in order to address the time gap between award and construction, the Board will require that applicants not reallocate the personnel/resources they used to obtain the award, without its prior approval.

Site Location and Description – The applicant must indicate the candidate areas for project development and the basis for site selection including the location(s), the construction staging area(s), any port usage, the location of transmission lines and all points of interconnection to the distribution system serving New Jersey. Applicants must include a map with the location of the site(s) clearly marked with the mid-point of each project area denoted by longitude and latitude. Describe any current uses, conflicts, or characteristics of the ocean and land areas under consideration. Specify whether the project is located at one site, or divided among several sites, define the attributes which make the site attractive and list any potential problems, constraints or limitations with siting an energy facility at that location including but not limited to environmental, economic, or energy production characteristics. The State, in its sole discretion, has the right to cancel/rescind the grant award if data collected or analyses conducted through the studies or this award indicate that the construction and/or operation of the offshore wind project would have unacceptable adverse impacts on wildlife, ocean uses, ocean resources, or the environment, economy or tourism.

Land Acquisition – For each candidate area, applicants must identify the nature of ocean lease and land ownership requirements for all aspects of the project including all required interconnection areas. Describe progress in securing leases and land required and propose a plan for accomplishing remaining steps toward acquiring leases or land ownership. Indicate the type

and number of entities securing leases or owning land. Applicants must identify each appropriate State or Federal agency they will be contacting for land acquisition issues and provide the OCE with a summary of the required arrangements for verification purposes.

Applicants are required to demonstrate adequate financial resources to acquire any land or leases needed to undertake this project.

Environmental, Energy and Economic Impacts and Benefits – For each candidate site, applicants must describe potential impacts including, but not limited to, air emissions, waste water discharges, water use, avian, marine mammals, sea turtle, noise, aesthetics, tourism and endangered species during pre-construction, construction and post-construction operations. Applicants should specifically describe how the project activities will be coordinated with the NJDEP Ecological Baseline Studies, NJ Commerce Economic Assessment and USDOJ Mineral Management Service's Programmatic EIS. Indicate how each resource issue, if impacted, will be addressed. Applicants should address in their proposal all anticipated or likely environmental, energy or economic issues.

The discussion shall include compliance with NJDEP standards as appropriate. Guidance on environmental impact assessments will be available to the awardee by calling the NJDEP Office of Permit Coordination and Environmental Review, and obtaining the document, "Environmental Assessment" at 609-292-2662 or visiting the website at <http://www.nj.gov/dep/opppc/permitcoor.htm>. Applicants are encouraged to review the website cited above in the preparation of their proposal.

Permits – For each candidate area, applicants must identify all local, State and/or federal permits and/or approvals required to build and operate the project and the expected time to obtain such permits and/or approvals.

Information on all NJDEP permits is available from the Office of Permit Coordination and Environmental Review through the One Stop program which can be accessed from the NJDEP website at <http://www.nj.gov/dep/opppc/permitcoor.htm>

Public Participation - Applicants must prepare a public participation plan that will address how stakeholders will be involved in the project, including the permitting process.

Schedule – For each distinct project component proposed, the applicant must identify the expected duration of the permitting, design and construction phases. This schedule requirement is in addition to the project timeline as referenced and required in section 3.2.4.

Electric Interconnection – For each candidate area, applicants must document tasks required and discuss issues associated with electrical interconnection, including the distance between the project and a suitable point to interconnect with the electrical grid. Identify land acquisition requirements, new equipment to be installed, upgrades to existing equipment required, and any feasibility studies required and the timeframe for review. A detailed description of how the proposed project will address and mitigate load constraints in the ACE electric distribution and PJM transmission system should be included for each site. This section should include a description of each proposed point of interconnection.

Project Revenues – Applicants must submit a project revenue plan which forecasts revenues as well as identifies the project team’s strategy for offering the electricity provided in the electric market and for generating all expected revenues. This plan along with the associated references to be supplied with Section 3.2.6 Project Economics and Associated Financial Statements is required to link the anticipated revenues to the project time schedule and costs for the entire project lifecycle term extending to the expected life of the turbines and eventual decommissioning. This plan with associated financial references should enable the Board to compare different proposals and evaluate whether the anticipated revenues over the period outlined are realistic and sufficient. Applicants must specify financial expectations and marketing strategies for securing revenue from expected capacity based payments in PJM markets, energy based payments in PJM markets, Renewable Energy Certificate (REC) revenue from Renewable Portfolio Standard (RPS) or voluntary markets, and emissions credits from various air emission reduction cap and trade programs.

Resource Data – For each candidate area, applicants must describe the renewable resource characteristics applicable to the technology proposed for the project site. Estimate the expected capacity of the resource and provide the methodology and references or data sources which corroborate to this estimate.

Specify the average monthly wind speed at turbine hub height, average wind shear, turbulence intensity, annual wind speed frequency distribution (0.5 m/s bins), seasonal variations and annual wind rose shown graphically. Provide the period of data collection referenced. Where the data is estimated, provide the basis for estimate. Reference these estimates of resource availability with the estimated outputs of electricity in the Section titled Project Capacity and Energy Production described below. See <http://rredc.nrel.gov/wind/> for wind maps and other resources.

Equipment – To the fullest extent possible, applicants must indicate the major types of equipment that will be installed. If not yet selected, indicate the candidate technologies and the characteristics specified. Indicate whether

the project team plans to own or lease equipment. Describe the equipment candidate(s), the specifications, warranties, how long it has been commercially available, approximately how many are currently in service, and where they are installed. Include a description of the ability of the equipment to work in New Jersey's offshore and near shore climates. Indicate the equipment's delivery time once an order has been placed. For actual construction, successful candidates are permitted to replace or update equipment identified in the proposal with more technologically advanced equipment that is equal to or better than the equipment identified in the proposal.

Construction/Installation – Applicants must describe in detail a construction plan with names of subcontractors capable of performing necessary tasks, with proposed time frame. Identify all the necessary State and municipal code requirements with the names of the agencies to contact for compliance. Include organization name, contact person, website and telephone number for OCE reference and verification.

Project Capacity and Energy Production – Applicants must indicate the proposed nameplate capacity for the entire project and the anticipated number of individual units for the selected technology or for each candidate technology. Indicate the total nameplate capacity that is being proposed for the site. Based on each candidate technology proposed, estimate the net yearly energy output for the project, accounting for losses and include any assumptions that are the basis for the estimate. Account to the fullest extent possible the coincidence between time of generation for the project and peak electricity demand. Provide an estimate of the amount of energy being generated over the term of the grant/life of the turbines.

Applicants must, to the best of their ability, accurately estimate the level of generation that their proposed project will be able to provide over the life of the equipment, assuming the project runs for the equipment's full life. Sound engineering estimates and information on plant performance from similar plants must be included as back-up documentation to the estimate.

Operation and Maintenance - Include a complete operation and maintenance plan for the life of the plant, including any estimated increases resulting from additional fuel costs. Applicant is required to demonstrate that it has the capacity to perform all necessary upkeep/maintenance over the life of the project.

Proposal Information and Signatures – The Proposal should include the full business address of the Applicant or lead team member and the names and phone numbers of authoritative and technical contact persons. A principal of the lead firm must sign the attached statement of Verification of Bid Information (Appendix A) and of the Applicant's intent to abide by the

protocols of proposals and the structure of incentive payments as described. The name and title (if any) of the person that signs the proposal shall be typed or printed below their signature and the signature shall be witnessed. Satisfactory evidence of authority of each person signing the proposal shall be furnished to Board upon request.

Financial Ability – Applicant must provide evidence that it has the financial ability to undertake the proposed project. Applicant shall include current annual financial statements (balance sheet, income statements, annual independent auditor's report for the last two years) and projected financial statements for the next three years. Applicant shall demonstrate that it possesses the requisite financial ability to perform all of the tasks needed to successfully carry out its proposal (e.g., purchase the equipment; construct the turbines; link the turbines to the power grid, maintain the turbines over their expected life, etc.)

3.2.4 TIMELINE OF PROJECT RELATED MILESTONES

Applicants shall submit a timeline of all the project-related milestones including dates for anticipated events and deliverables from the beginning of project application submittal through to project end denoted by equipment decommissioning.

3.2.5 STATEMENT OF WORK

The Statement of Work is the primary contractual document that outlines work activities and required performance for payment and financing. It specifically delineates each step or procedure required to accomplish the project objectives. Therefore, each action shall be identified, indicating who will perform it, how it will be performed and its intended result. Be clear and specific; concentrate on "how" and not "why". Use the following guidelines as the basis for your Statement of Work and modify it as necessary to fit your project and provide additional information. Clearly identify what has been done and present the results to date and what still needs to be done and how it will be done.

The Statement of Work must be structured as an ordered set of tasks and attachments as follows:

Introduction - Briefly and clearly state the overall technical goals of the project.

Task 1: Project Management

Subcontractor Coordination – State how activities will be coordinated between the applicant and any partners, any subcontractors, and the OCE. A discussion of subcontracting arrangements should also be included.

Project Management Meetings – Plan a kickoff meeting, an acceptance meeting, and a wrap-up meeting. Identify parties to participate at each meeting. Identify parties responsible for scheduling the meeting, providing the agenda (in advance), and issuing minutes.

Task 2: Reporting

The Awardee(s) shall submit quarterly reports by the 15th of the month following the reporting period. Quarterly reports shall summarize progress, difficulties, and planned solutions associated with developing and installing the facilities. After construction, monthly reports shall summarize the facility's performance and identify all operational problems and actions taken to fix any problems. Additional reports may be requested as needed for project facilitation. The monthly reports must include post-construction operational data, including the environmental monitoring plan of environmental impacts, and compliance with the MMS Programmatic Environmental Impact Statement (EIS) elements, federal and State permits.

3.2.6 PROJECT ECONOMICS AND ASSOCIATED FINANCIAL STATEMENTS

Applicants must estimate all project related costs and revenues including plans for selling or using energy from the facilities and the production incentive in \$/kwh being requested.

Applicants may request upfront incentives to facilitate financing fees, interconnection costs, project design, permitting and/or construction up to 10% of the total incentive. Documentation of scope of work and budget for each stage of development needs to be included with full itemization of requested funds. This shall include a separate sources and uses statements for pre-development activities and an estimated timeline of expenditures.

Indicate applicant's plans for marketing energy from the plant and the status of negotiations with potential purchasers or users of the energy. Include applicant's consideration of marketing energy from the distributive renewable electricity generation to fulfill the Board's RPS requirements and other green power pricing options.

For information on New Jersey's Independent System Operator, visit the PJM website at www.pjm.com.

Provide a cash flow analysis over the lifetime of the project. Indicate any private, venture or existing project financing and the total amount of bond financing required for the project and any other incentives, subsidies or other funding associated with the project and projected internal rate of return or other measure of return compared to industry averages.

Discuss the proposed treatment of all “secondary environmental attributes” associated with the renewable generation, such as SO₂, NO_x, CO₂ emission credit allowances and renewable energy certificates.

Submit a business plan, which must include a description of the business, the proposed project, estimated construction schedule, ownership structure, management team with biographical information or resumes, projected balance sheets and income statements including annual financial projections with detailed assumptions for at least three years and monthly cash flow projections for at least 12 months or until cash flow is stable and positive, and all sources and uses of funds including grants, private investment, loans and any public financing including estimated repayment terms, conditions and collateral for all financing sources, supported by copies of financing commitments if available.

If the applicant is a special purpose and/or newly created entity, the three most recent years of financial statements for each sponsor and/or owner with ownership greater than or equal to ten percent shall be provided.

Provide current resumes, personal financial statements and the most recent three years federal tax returns for any person or entity having 10% or more ownership in the business, which will help in the evaluation of guarantor support to the request; and

Document any collateral available to secure the financing requested, which should include value of collateral, how collateral was valued and the amount and priority of liens filed against the collateral.

3.2.7 PROJECT TEAM

Organizational Chart – Prepare an organizational chart listing all team members, including the project manager and any subcontractors and other sponsors involved in the project, showing their roles and responsibilities.

Qualifications – State the proposing team’s individual and combined expertise that will enable successful completion of this project. Describe sources of private financing that will be used by the applicant to perform the proposed work. Submit resumes of all key project team members, including those of proposed subcontractors. Include education and experience that are relevant to the proposed work.

Previous Renewable Energy Development Experience – Describe the proposing team’s experience in developing and operating conventional or renewable energy plants, marketing power, and other relevant areas. List related projects that have been undertaken and successfully completed by the applicant and/or subcontractors. For each project, provide a brief project summary and the name and

phone number of a client contact. The Board reserves the right to contact any reference listed.

3.2.8 DECOMMISSIONING PLAN

While the Board prefers that the plant continue to operate beyond the financing term, the issue of decommissioning must be addressed in the proposal, to ensure that the ocean environment and the future for other offshore renewable supply in New Jersey is not marred by inoperable, abandoned plants. Applicants must provide a Decommissioning Plan. Decommissioning plans shall include requirements and funding for dismantling and removing all wind turbines and towers, all underground and overhead collection and transmission lines, and all related structures. Plans shall address whether the foundations for the towers and other structures must be removed to a specified depth and what steps may be required to restore vegetation and otherwise return the property to its natural state.

3.3 POST-AWARD CHANGES IN PROPOSED PROJECT

Projects are expected to be designed and proposed as feasible, viable projects that can be permitted by all relevant jurisdictions. The Board, however, recognizes that some project changes may be required in order to be consistent with the results of the Ecological Baseline Studies and/or Economic Assessment, or events that are unforeseen by the proposals. The Board must be notified in advance in writing of any proposed change in a winning project while the incentive program is pending or operational for that project. Changes that have been determined by the Board to have no material bearing upon the purposes or process of the program, or on the amounts of award and financing received by the project, will receive a letter of notification from the Board that the proposed change will not affect the project's award. Changes to the grant award require prior Board approval.

Changes having a material bearing upon the purpose or process of the incentive program may, upon determination by the Board, result in forfeiture of incentive payments, or termination of grant award to the project and in some cases repayment of some or all of the award. For example, a project that is or becomes non-renewable will materially affect the program.

3.4 RATES, CHARGES AND BILLING

All projects are expected to come on-line by the date specified in the proposal. Any project failing to come on-line by this date may have its award and financing commitment reduced or terminated by the Board.

Plants must operate and provide the amount of electric power that the applicant committed to or the plant will need to be optimized until it meets or exceeds the performance goals. Any project that still fails to provide the amount of electrical

power that the applicant committed to after such optimization may have its award and financing commitment reduced or terminated by the Board.

3.5 FAILURE TO SUPPLY

The Board may elect to offer a grant award based upon production that penalizes the applicant for production shortfalls. If a project consistently generates less than estimated in its proposal or current project award package, the project risks an overestimation/underproduction penalty. The Board will generate a sliding scale of penalties, based upon the generation information submitted, the penalty for overestimation or underproduction, and the measures that may be taken to rectify the production problem. The Board will have the final determination in certifying the qualifying generation at each plant.

4.0 PROPOSAL EVALUATIONS AND CONTRACT AWARD

4.1 PROPOSAL EVALUATION COMMITTEE

The OCE, subject to Board approval, will establish an evaluation committee including representatives of NJDEP, NJEDA and NJ Commerce to assist in reviewing proposals. Based upon the results of the evaluation process and the recommendations of the evaluation committee, the OCE will present the finding and recommendations of the evaluation committee to the Board for a funding commitment decision for one or more proposals meeting the minimum requirements of this solicitation, up to the maximum for the pilot project, or that no proposal be accepted by the Board.

4.2 EVALUATION CRITERIA AND PROCESS

The following evaluation criteria, not necessarily listed in order of significance, will be used to evaluate proposals. These evaluation criteria will be used to develop a detailed evaluation criteria weighting system in coordination with the evaluation committee described above in Section 4.1 prior to commencement of the evaluation process.

- 4.2.1** The applicant's general approach and plans to meet the requirements of the solicitation.
- 4.2.2** The applicant's detailed approach and plans to perform the services required by the scope of work of this solicitation.
- 4.2.3** The applicant's documented experience in successfully completing contracts of a similar size and scope to those required by this solicitation.
- 4.2.4** The qualifications and experience of personnel assigned by the applicant to the contract with emphasis on documented experience in successfully

- completing required services of a similar size and scope to those required by this solicitation.
- 4.2.5** The overall ability of the applicant, to gear-up, undertake and successfully complete the contract within the required schedule or on time.
 - 4.2.6** The cost of the project, taking into account both the applicant's cost per kW, overall generation, operations and maintenance costs and the environmental impacts of the project associated with the proposed technology.
 - 4.2.7** The amount of funding requested as a percentage of the total project cost.
 - 4.2.8** The location of the proposed facility in relation to transmission and distribution constraints in the ACE distribution system.
 - 4.2.9** The appropriateness of the proposed location of the renewable energy project, including siting and permitting issues.
 - 4.2.10** The coordination of the proposal with the NJDEP Ecological Baseline Studies and NJ Commerce Economic Assessment.
 - 4.2.11** The overall mix of technologies and the projects ability to assist in meeting the goals of market transformation for emerging technologies.
 - 4.2.12** The environmental attributes of the proposed technology.
 - 4.2.13** The timeframe for construction/startup of the project.
 - 4.2.14** Project feasibility.
 - 4.2.15** Financing qualifications.
 - 4.2.16** Applicants seeking financial assistance through NJEDA will be required to fill out the NJEDA application. This will be submitted to NJEDA after the Board's approval of the applicant's response to this solicitation.
 - 4.2.17** Verified performance of the technology.
 - 4.2.18** Whether or not the technology was substantially manufactured in New Jersey.
 - 4.2.19** Commitments or letters of intent and term sheets from potential lenders outlining the terms of any financing package, including tax-exempt bond financing if possible.

4.2.20 Whether or not the project has taken steps to minimize negative impacts on habitat and wildlife and has taken into consideration the recommendations, in this regard, of State and Federal agencies (e.g., NJDEP, the U.S. Fish and Wildlife Service, National Marine Fisheries Service).

4.2.21 Amount of clean energy being generated over the term of the grant/life of the turbines.

4.2.22 The extent to which the technology and project will be manufactured in New Jersey and constructed by New Jersey-based businesses.

4.3 CONTRACT AWARD

The evaluation committee will recommend funding commitment decisions, as described above, to the Board. The Board may reject or accept in part or in whole the recommendations for funding award made by the evaluation committee. NJCEP financial incentives will be awarded by the Board to the project or projects deemed most beneficial to the State according to the application materials submitted in relation to the criteria contained herein. The Board reserves the right to make no award if in its sole discretion no acceptable proposal is received.

The decisions of the Board will be communicated to applicants by the OCE. Applicant shall designate a Project Manager in the proposal who shall become the point of contact with the OCE. The Project Manager shall be responsible for monitoring and ensuring progress of all tasks, maintaining communication with all project personnel, and fulfilling the reporting requirements described in Section 3.7 Task 2 and Section 4.4, infra.

After Board approval of the award, a contract funding agreement will be developed between the Board, the awardee and the New Jersey Economic Development Authority. The Board, in its sole discretion, may require the successful applicant to provide security, in the form of a bond or another instrument that is deemed appropriate by the Board, to ensure the successful completion of all phases of the contract, including the decommissioning of the project. Applicants will be required to comply with Treasury Circular Letter (07-05-OMB) which provides some but not all the terms and conditions that will be made part of the grant agreement. To download a copy of Circular Letter 07-05-OMB and the template agreement go to <http://www.state.nj.us/infobank/circular/cir0705b.pdf>

4.4 POST-AWARD REPORT REQUIREMENTS

Applicants awarded NJCEP incentives for the development of offshore energy facilities will be expected to submit quarterly reports documenting progress throughout the process from award issuance through the permitting, construction and energy production phases. A Grant recipient will be required to have adequate reporting/accounting processes and to make periodic reports to the State regarding the use of grant funds. The Project Manager shall submit quarterly reports on a timely basis documenting progress in all areas of the project including any barriers or expected disruptions to project milestone completion.

5.0 ATTACHMENTS

Appendix A - - Verification and Proposal Information

Appendix B - - Certifications

Appendix C - - Project Summary

APPENDIX A - - VERIFICATION OF PROPOSAL INFORMATION

1. "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I understand that, in addition to criminal penalties, I may be liable for a civil administrative penalties and that submitting false information may be grounds for denial, revocation or termination of any electric power supplier's license for which I may be seeking approval or now hold."

2. The certification in 1 above shall be signed by the Applicant as follows:

- i. For a corporation, by a principal executive officer of at least the level of vice president;
- ii. For a partnership or sole proprietorship, by a general or the proprietor, respectively; or
- iii. For a municipality, county, state, federal or other public agency, by either a principal executive officer or ranking elected official.

(Signature and Title)

(Name, please print)

(Date)

APPENDIX B - - CERTIFICATIONS

I. Certification Regarding Debarment, Suspension or Ineligibility for Award

The Applicant certifies, to the best of its knowledge and belief, that:

(1) The Applicant and/or any of its principals ___ are, ___ are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any federal or state agency, and

(2) The Applicant and/or any of its principals ___ have, ___ have not, within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a federal, state, or local government contract or subcontract; violation of federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and ___ are, ___ are not presently indicted for, or otherwise criminally or civilly charged by a government entity with commission of any of those offenses.

II. Clean Air and Water Certification

The Applicant certifies that:

(1) Any facility to be used in the performance of this proposed project is ___ is not ___ listed on the Environmental Protection Agency (EPA) List of Violating Facilities;

(2) The Applicant will immediately notify the BPU, before award, of the receipt of any communication indicating that the site the Applicant plans to use for the performance of the contract is under consideration to be listed on the EPA List of Violating Facilities;

(3) The Applicant will include a certification substantially the same as the certification, including this paragraph, in every nonexempt subcontract.

(4) The Applicant will notify the BPU if the site is in violation of any NJDEP regulations.

(Signature and Title)

(Name, please print)

(Date)

Appendix C Project Summary

Project Type (Technology or technologies)

Project Capacity, Total Project Size (MW)

Capacity by technology type (if multiple types)

Annual Generation

Annual Generation (by technology if more than 1)

Project Operating Fuel, if any

Location or Locations (geographic coordinates)

Proposed area(s) of transmission landfall

Upfront NJCEP Incentives Requested (\$)

Annual Production Incentive Requested (\$/kwh)

Total NJCEP Incentives Requested

Total Incentive as a Share of Total Project Cost (%)

Project Cost (\$)

Estimated Rate of Return, IRR (%)