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No experience installing solar photovoltaic (PV) systems is required to become an approved contractor and to participate in CEFIA's Residential Program.

Request for Qualifications for Approved Contractors and Third-Party PV System Owners

To participate in the

Residential Solar Photovoltaic Investment Program

Program Opportunity # CEFIA-PV-12-001

February 3, 2012

Applications are accepted on a rolling submission basis.

Questions or clarifications about this RFQ should be directed to:

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This document is available on the following CEFIA web page:

www.ctcleanenergy.com/SolarContractorRFQ

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Executive Summary

The Clean Energy Finance and Investment Authority (CEFIA) was created under Public Act 11-80 by the Connecticut General Assembly in 2011. It is the successor organization to the Connecticut Clean Energy Fund (CCEF). CEFIA's mission is to promote, develop and invest in clean energy and energy efficiency projects in order to strengthen Connecticut's economy, protect community health, improve the environment, and promote a secure energy supply for the state. As a full-scale clean energy finance authority, CEFIA will leverage public and private funds to drive investment and scale-up clean energy deployment in Connecticut.

CEFIA has been charged by the Governor and the Connecticut General Assembly under Public Act 11-80, Section 106, to promote the installation of an additional thirty (30) megawatts (MW) of residential PV systems by 2022. CEFIA's Request for Qualifications for Approved Contractors and Third-Party System Owners (RFQ) is the only vehicle through which CEFIA will identify and qualify contractors to install PV systems under CEFIA's Residential PV Investment Program (Residential Program). CEFIA will screen and evaluate every application for Approved Contractors and Third-Party PV System Owners (Application) and will approve only the contractors meeting this RFQ's criteria (Approved Contractors). This RFQ also identifies requirements for Third-Party PV System Owners (System Owners) to qualify for incentives under the Residential Program.

No experience installing PV systems is required to become an Approved Contractor and to participate in CEFIA's Residential Program. Additionally, no approval is required from CEFIA for contractors to participate in any of CEFIA's commercial programs.

All System Owners are required to use Approved Contractors to install systems under the Residential Program, or they will not qualify for Performance Based Incentive (PBI) payments.

Estimated Performance Based Buy-Down (Rebate) incentives are only available to Homeowners choosing to purchase a PV system from an Approved Contractor. PBI payments are only available to System Owners offering third-party financing. The combination of Rebate and PBI is not allowed under the Residential Program and no Homeowner purchasing a PV system will be allowed to claim a PBI or receive a PBI. Likewise, no System Owner offering third-party financing will be allowed to claim or receive a Rebate.

As a public agency, CEFIA may not recommend or endorse one Approved Contractor or System Owner over another. Any consumers who contact CEFIA will be provided with the most current list of Approved Contractors and System Owners and will not be offered a recommendation or endorsement by CEFIA staff.

Section 1 – Introduction

1.1. Objectives of this RFQ

To ensure the safe installation of PV systems in Connecticut, all The United Illuminating Company (UI) and Connecticut Light and Power (CL&P) ratepayers (Homeowners) and System Owners participating in the Residential Program are required to use an Approved Contractor to install a PV system. The purpose of this RFQ is to select contractors and identify System Owners who are qualified to participate in the Residential Program. **Approved Contractors and System Owners are not contractors of CEFIA.** They will operate as independent entities responsible for all aspects of PV system installation and commissioning.

An Approved Contractor's primary responsibilities are as follows:

- Sales and marketing to Homeowners
- Conducting site evaluations, including shading assessments
- Following the rules of the Residential Program to determine project eligibility, size and cost
- Completing and submitting applications on behalf of the Homeowner
- Obtaining appropriate permits
- Complying with national, state and local codes and standards
- Installing grid-tied PV systems
- Completing interconnection applications for UI and CL&P customers
- Collaborating with CEFIA's third-party inspectors

System Owners are required to work with Approved Contractors to fulfill the above responsibilities. Under this RFQ, CEFIA intends to recommend only those Approved Contractors and System Owners meeting the criteria listed in Section 2.2 or Section 2.3., as applicable. **Applications will not be approved until all required documents have been submitted to CEFIA's satisfaction.**

The Application is available on the following CEFIA web page:

www.ctcleanenergy.com/SolarContractorRFQ

1.2. Types of Approved Contractors

CEFIA approves two (2) categories of contractors to participate in the Residential Program. Eligible contractors are Approved Contractors with prior experience installing PV systems. Provisional contractors are Approved Contractors with no prior experience installing PV systems. There is no public distinction made by CEFIA between eligible and provisional contractors. All contractors approved under this RFQ are listed as Approved Contractors on CEFIA's web site.

The list of Approved Contractors can be found on the following CEFIA web page:

www.ctcleanenergy.com/SolarContractors

Eligible and provisional contractors are companies or individuals that design, install, sell and service PV systems to Homeowners in UI or CL&P service territories.

Customers in Connecticut Municipal Electrical Energy Cooperative (CMEEC) territories are not eligible to participate in the Residential Program. To determine if a Homeowner lives in a CMEEC territory, visit www.cmeec.com.

To qualify as an Approved Contractor, companies or individuals applying under this RFQ must be qualified by experience and/or specific training in PV system siting, design and electrical services. Additionally, Approved Contractors must meet Connecticut’s occupational and professional licensing requirements, such as a Connecticut E-1 license. At least one permanent employee of the Approved Contractor must satisfy CEFIA’s North American Board of Certified Energy Practitioners (NABCEP) training requirement by:

- achieving a passing score on the NABCEP entry level PV exam, or
- holding a full NABCEP certification.

For more information on NABCEP certification and training visit NABCEP’s web site at: www.nabcep.org.

Please note connection to any building’s existing electrical system or utility meter can only be performed by a licensed Connecticut E-1 or E-2.

1.3. How to Qualify as an Eligible Approved Contractor

Eligible contractors must have been responsible for the coordination and installation of at least three (3) PV systems (Primary Installs), or must have worked as an apprentice on at least six (6) PV systems (Apprentice Installs). Every two (2) Apprentice Installs are equal to one (1) Primary Install. The following combinations will qualify a contractor as eligible under the Residential Program:

Primary Installs Completed	Plus (+)	Apprentice Installs Completed	Equals (=)	Eligible Approved Contractor Status
3		0		
2		2		
1		4		
0		6		

For apprentice electricians graduating from a Connecticut Technical High School, in lieu of one (1) Apprentice Install, CEFIA will accept a Certificate of Completion verifying the student worked on an E-House training facility. To date the following Connecticut Technical High Schools have implemented E-House programs:

- E.C. Goodwin Technical School, New Britain
- Grasso/Southeastern Technical School, Groton
- Wolcott Technical High School, Torrington

CEFIA will also accept a letter from the following training facility(s) in lieu of one (1) Apprentice Install. This training facility offers a program of study similar to the Connecticut Technical High School E-House program.

NECA & IBEW Local 90 JATC
 2 North Plains Industrial Road
 Wallingford, CT 06492

The letter should be on the training facility’s letterhead and must include the following:

- Course name
- Training hours completed
- Student’s full name
- Signature of course instructor
- Type of equipment work was completed on

1.4. How Provisional Contractors Become Eligible Contractors

Provisional contractors are contractors that do not have prior experience installing PV systems, or have not completed the number of required PV installations in accordance with the chart in Section 1.3.

Provisional contractors with **no prior experience** installing PV systems will become eligible Approved Contractors once three (3) PV installations pass the required CEFIA inspections.

Provisional contractors with **some prior experience** installing PV systems, but not meeting the chart in Section 1.3., should submit customer references for any Primary and/or Apprentice Installs completed.

The following combinations will qualify a provisional contractor as eligible through participation in the Residential Program:

Primary Installs Completed	Plus (+)	Apprentice Installs Completed	Plus (+)	CEFIA Inspections Required	Equals (=)	Provisional Designation Lifted
2		0-1		1		
1		2-3		1		
1		0-1		2		
0		0-1		3		
0		2-3		2		
0		4-5		1		

Section 2 – Application Process

2.1. RFQ Schedule

Applications will be accepted on a rolling basis schedule. For this RFQ, rolling basis means there will be no set end-date; Applications will be accepted from February 3, 2012 until the Residential Program is closed. Each Approved Contractor or System Owner will be reviewed annually to ensure continued compliance with this RFQ's standards and procedures and is expected to provide updated documentation annually as requested by CEFIA.

Complete Applications will be processed within four (4) weeks by CEFIA staff. If an Application is missing paperwork it will cause a delay in processing the Application.

2.2. Required Documentation for Approved Contractors

This section is only applicable to contractors intending to sell systems directly to Homeowners.

All Approved Contractors must provide the following documentation:

1. **Complete Application** – Please see Section 3, Application Format, for detailed information.
2. **Financial Capacity** – Provide verifiable evidence of financial solvency and health. Contractors should demonstrate their business has sufficient financial resources to be able to meet the cash flow requirements of the Residential Program. Please submit a bank letter of reference/credit addressed to CEFIA on the bank's letterhead, including the following details:
 - Signature of appropriate bank officer
 - Length of time the contractor has been a customer of the bank; and
 - Minimum balance carried

If the financial capacity information is confidential, it must be submitted in a separate PDF, labeled "CONFIDENTIAL" in the title of the document, and clearly marked "CONFIDENTIAL" on each page as it prints in accordance with Section 5.2., Freedom of Information Act and Confidential Material.

3. **Resumes** – Provide resumes for key individuals listed in the Application.
4. **E-1 License** – Provide a copy of an E-1 license for at least one permanent employee or subcontractor. In accordance with Connecticut General Statute (C.G.S.) §20-334 license numbers will be posted on CEFIA's Approved Contractor list.
5. **NABCEP Certificate** – Provide a copy of the NABCEP Entry Level Passing Score Achievement Certificate, or full NABCEP certification for at least one permanent employee.

6. **Additional Licenses, Education and Training** – Provide copies of any additional licenses, education and training obtained by permanent employees or subcontractors who will be directly involved in the Residential Program.
7. **Subcontracting Agreement** – If your company plans on using subcontractors to install PV systems under the Residential Program, submit a copy of the agreement for each subcontractor. The agreement should be on your company's letterhead, and include the following details:
 - Signature of the subcontractor and a representative of your company
 - Length of time your company and the subcontractor will be working together
 - Subcontractor's primary responsibilities; and
 - Any other relevant terms

If your company changes subcontractors after becoming an Approved Contractor, you must notify CEFIA in writing within five (5) business days of the change. Your company must also submit an updated subcontracting agreement, and any other applicable documents. CEFIA reserves the right to request additional information regarding subcontractors.

8. **Customer References** – Applicants who have prior experience installing PV systems as an apprentice or primary installer must provide a list of up to six (6) prior PV customers. CEFIA staff may contact all references provided.
9. **Customer Terms** – Provide a copy of your standard contract or sales agreement.

All contracts or sales agreements between Homeowners and contractors participating in the Residential Program **must** reference the Rebate as an up-front cost reduction to the Homeowner. **The Rebate must always be referred to as “estimated” or “an estimate”.**

Each standard contract or sales agreement must be signed by the Approved Contractor and the Homeowner. All sales agreements will include:

- Description of PV system location, specifications and components
 - Estimate of annual energy output
 - Data collection responsibilities
 - Warranty provisions
 - Total PV system cost
 - Estimated CEFIA Rebate amount
 - Payment schedule
10. **Workmanship Warranty** – Provide a copy of your company's workmanship warranty. Contractors participating in the Residential Program must provide a five

(5) year workmanship warranty to Homeowners. The warranty must cover all components of the PV system against breakdown or degradation in electrical output of not more than 10% from the original rated electrical output. Additionally, the warranty must cover full costs of labor for repair or replacement of defective PV system components.

11. **General Liability Insurance** – All Approved Contractors and subcontractors must carry at least one (1) million dollars in general liability insurance in order to participate in the Residential Program. CEFIA and the State of Connecticut must be listed as an additional insured on each Approved Contractor's general liability insurance policy using the following address:

865 Brook Street
Rocky Hill, CT 06067

12. **Gift Affidavit** – Each contractor must sign and date the gift affidavit posted at www.ctcleanenergy.com/SolarContractorRFQ. The gift affidavit must be notarized, and CEFIA must receive the original, notarized copy.

2.3. Required Documentation for System Owners

This section is only applicable to entities which intend to provide third-party financing under the Residential Program.

All System Owners must provide the following documentation:

1. **Complete Application** – Please see Section 3, Application Format, for detailed information.
2. **Financial Capacity** – Provide verifiable evidence of financial solvency and health. System Owners should demonstrate their business has sufficient financial resources to be able to meet the cash flow requirements of the Residential Program. Please submit a bank letter of reference/credit addressed to CEFIA on the bank's letterhead, including the following details:
 - Signature of appropriate bank officer
 - Length of time the System Owner has been a customer of the bank; and
 - Minimum balance carried

If the financial information is confidential, it must be submitted in a separate PDF, labeled "CONFIDENTIAL" in the title of the document, and clearly marked "CONFIDENTIAL" on each page as it prints in accordance with Section 5.2., Freedom of Information Act and Confidential Material.

3. **Resumes** – Provide resumes for key individuals listed in the Application.
4. **Agreements with Approved Contractors** – System Owners are required to use Approved Contractors to install PV systems under the Residential Program.

Submit a copy of each agreement, which should be on the System Owner's letterhead, and include the following details:

- Signature of Approved Contractor and System Owner representative
- Length of time the System Owner and the Approved Contractor will be working together
- Approved Contractor's primary responsibilities; and
- Any other relevant terms

If the System Owner changes, drops or adds agreements with Approved Contractors, CEFIA must be notified in writing within five (5) business days of the change. The System Owner must also submit an updated agreement, and any other applicable documents. CEFIA reserves the right to request additional information regarding agreements with Approved Contractors.

5. **Customer Terms** – Provide a copy of the System Owner's standard contract or sales agreement for leases, Energy Services Agreements (ESAs) or Power Purchase Agreements (PPAs).

Each standard contract or sales agreement must be signed by a representative of the System Owner and the Homeowner. All standard contracts or sales agreements will include:

- Description of PV system location, specifications and components
- Estimate of annual energy output
- Data collection responsibilities
- Warranty provisions, including energy production and workmanship
- Customer support services
- Estimated monthly lease, ESA or PPA payment(s)

6. **General Liability Insurance** – All System Owners must carry at least one (1) million dollars in general liability insurance in order to participate in the Residential Program. CEFIA and the State of Connecticut must be listed as an additional insured on each System Owner's general liability insurance policy using the following address:

865 Brook Street
Rocky Hill, CT 06067

7. **Gift Affidavit** – Each System Owner must sign and date the gift affidavit posted at www.ctcleanenergy.com/SolarContractorRFQ. The gift affidavit must be notarized, and CEFIA must receive the original, notarized copy.

2.4. Application Process

The Application process is as follows:

- The contractor or System Owner will submit an Application to: smallsolar@ctcleanenergy.com.
- Each Application will be evaluated for completeness and consistency with the documentation requirements outlined above. CEFIA will review the Application and request missing documentation.
- When a complete Application has been submitted, CEFIA staff will meet internally to review the Application. **Applications can be rejected at the sole discretion of CEFIA.**
- A letter notifying the contractor or System Owner of CEFIA's approval or denial of the Application will be sent through e-mail.
- A PowerClerk user name and password will be generated for the newly Approved Contractor or System Owner. (www.powerclerk.com)
- The newly Approved Contactor or System Owner must attend a thirty (30) minute phone training with the Residential Program manager.
- After attending the phone training, CEFIA will add the newly Approved Contractor or System Owner to CEFIA's Approved Contractor or System Owner list. These lists are posted online at :

www.ctcleanenergy.com/SolarContractors
- Approved Contractors or System Owners must be listed on CEFIA's Approved Contractor or System Owner list before installing PV systems under the Residential Program.

Section 3 – Application Format

This section outlines the content and format requirements for all Applications. CEFIA will contact the contractor or System Owner to clarify or obtain any information omitted from an Application. All Applications must address the requirements outlined in the following sections of this RFQ.

3.1. Application Delivery

Applications will only be accepted in electronic format, and must be submitted to smallsolar@ctcleanenergy.com. The hard-copy original of the gift affidavit must be mailed separately to CEFIA's offices at the following address:

865 Brook Street
Rocky Hill, CT 06067

Applications must be submitted as complete packages, not piecemeal. Confidential material must be in a separate PDF, labeled "CONFIDENTIAL" in the title of the document, and clearly marked "CONFIDENTIAL" on each page as it prints in accordance with Section 5.2., Freedom of Information and Confidential Material.

3.2. Application Format

All Applications must conform to the following format guidelines:

- 12-point font, 1.5-line spacing, standard 8.5 X 11" paper.
- No handwritten Applications.
- PDF or Word format only.
- Hard-copy original is required for the gift affidavit.

3.3. Application Instructions

All Applications must include a complete set of forms and additional documentation for each contractor or System Owner. Information requested on each of the forms must be completed in detail and cannot refer to other sections of the Application, even if the information is redundant.

This RFQ and Application are posted on the following CEFIA web page:

www.ctcleanenergy.com/SolarContractorRFQ

Section 4 – Residential Program Requirements

4.1. PV System Eligibility Criteria

Eligible PV systems will be installed on one (1) to four (4) family homes in UI or CL&P service territories. These PV systems must be new and grid-tied. Each residential address in UI or CL&P territory is allowed to receive a Rebate or PBI for up to ten (10) kW_{PTC}. The Residential Program kW size limit is per address, not per Homeowner or meter. **Incentives are not available for used equipment or new PV systems that have been partially or completely installed prior to receiving written approval from CEFIA.** CEFIA will consider the expansion of existing PV systems on a case-by-case basis.

All applicable PV system components must utilize commercially available PV technologies listed on the California Energy Commission (CEC) web site.
www.gosolarcalifornia.org/equipment/

Additionally, a revenue grade meter and a web-based monitoring device must be installed with each PV system. The CEFIA approved list of Performance Data Providers (PDPs) is posted at the following CEFIA web page:
www.ctcleanenergy.com/ApprovedPDP

All PV systems must comply with applicable federal, state and local law, regulation, code, licensing, permit and inspection requirements, including the Connecticut Building Code and the National Electric Code (NEC). All components must be UL listed (or equivalent) where applicable.

Approved Contractors are responsible for entering accurate data into PowerClerk. Incentive applications will not be accepted until all required fields are completed.

4.2. Inspections

To receive an incentive, Homeowners must allow a representative of CEFIA to inspect the PV system. Approved Contractors and System Owners should ensure Homeowners will allow CEFIA access before installing a PV system.

If a PV system fails two (2) inspections, the Approved Contractor or System Owner will be required to pay the costs of follow-up inspections.

4.3. Title to Equipment

Homeowners purchasing PV systems from Approved Contractors will retain title to the equipment purchased. If the PV system is owned by a System Owner receiving a PBI, the title shall remain with the System Owner.

4.4. Payment Disbursement

4.4.1. Rebate Disbursement

Rebates are disbursed to Approved Contractors in two payments, the first following delivery of the equipment to the Homeowner and the second after the PV system is

installed and all inspections have been passed. All equipment must remain on-site once delivered. Approved Contractors will determine payment structure with the Homeowner. All CEFIA Residential Program Rebates will be passed on as an up-front cost reduction to the Homeowner. **CEFIA does not permit Approved Contractors to charge the pre-Rebate cost to Homeowners.** If a PV system is not installed properly, CEFIA reserves the right to withhold or recalculate Rebate payments. Additionally, CEFIA may stop approving Rebate applications at any time without notice.

4.4.2. PBI Disbursement

PBIs are disbursed to System Owners quarterly over six (6) years based on the actual kilo-watt hour (kWh) production of the PV system. No PBI payments will be made until all inspections have been passed and a data monitoring system is operational. System Owners will determine payment structure with the Homeowner. **CEFIA does not permit System Owners to install greater than the 10kW_{PTC} maximum size limit under the Residential Program.** If a System Owner wishes to install a PV system larger than 10kW_{PTC} the additional kW must have a separate inverter, be separately metered and have a separate data monitoring system. If a PV system is not installed properly, CEFIA reserves the right to withhold or recalculate PBI payments. Additionally, CEFIA may stop approving PBI applications at any time without notice.

4.5. Changes in the Residential Program

The Residential Program may be changed by CEFIA at any time without notice. Rebate or PBI Applications that have received a project approval letter from CEFIA will not be cancelled and will be processed under the Residential Program rules in place at the time of approval.

4.6. Approved Contractor Employee Changes

All Approved Contractors and System Owners must notify CEFIA, in writing, if and when any key employees and/or subcontractors are terminated or otherwise leave the employ of the Approved Contractor or System Owner. **Failure to notify CEFIA may result in the Approved Contractor or System Owner being barred from further participation in CEFIA programs.** CEFIA has the sole discretion to grant or terminate Approved Contractor or System Owner eligibility to participate in any CEFIA program.

4.7. Updated Paperwork

Each Approved Contractor or System Owner will be reviewed to ensure continued compliance with this RFQ's standards and procedures and is expected to provide the following updated information annually where applicable:

- Company information
- Liability insurance certificate
- NABCEP information
- E-1 license
- Subcontracting agreement, for Approved Contractors
- Agreement with Approved Contractors, for System Owners

A notarized, original, hard-copy gift affidavit shall be submitted annually. **Failure to provide this documentation in a timely fashion will result in removal from CEFIA's Approved Contractor or System Owner list.**

4.8. Evaluation, Monitoring and Verification (EM&V)

CEFIA reserves the right to conduct audits of any Approved Contractor's or System Owner's track record. CEFIA will bear the initial cost of any such audit and will not pass the initial cost of an audit onto any Approved Contractor or System Owner. Approved Contractors or System Owners are required to work with CEFIA to resolve any discrepancies identified by the audit, which may include fraudulent incentive activity, misrepresentation of PV system kWh production and/or multiple inspection failures. If discrepancies are discovered, CEFIA is not responsible for the costs associated with investigating and resolving any such discrepancies (e.g. testing, hardware replacement, installation labor).

4.9. Approved Contractor or System Owner Non-Performance

CEFIA may revoke an Approved Contractor's or System Owner's eligibility to participate in the Residential Program at any time if Residential Program requirements are not met. **Additionally, Approved Contractors or System Owners must ensure all subcontractors are properly licensed according to Connecticut State law and adhere to the requirements of the Residential Program.**

The following conditions may result in penalties, suspension of activity, or revocation of any contractor's or System Owner's approval from CEFIA:

- Multiple Homeowner complaints about customer service (CEFIA will investigate all Homeowner complaints)
- Fraudulent incentive activity, for example:
 - Not returning unused funds to CEFIA within a thirty (30) day period
- Misrepresentation of PV system production, for example:
 - Submitting inaccurate shading reports
 - Submitting inaccurate PBI payment requests
- Multiple inspection failures, for example:
 - Failing to meet NEC safety requirements on multiple PV installs
- Failure to submit updated paperwork

Approved Contractors and System Owners will be given reasonable opportunity to correct problems identified by CEFIA. CEFIA will work with Approved Contractors and System Owners to correct any such problems. However, failure to resolve any issues identified by CEFIA will result in immediate suspension from CEFIA's Residential Program. Suspended contractors or System Owners may reapply to the Residential Program after six (6) months. Suspended contractors or System Owners will submit a new Application and include a plan for preventing future issues.

Section 5 – Terms and Conditions of RFQ Participation

5.1. CEFIA Terms and Conditions

The following terms and conditions will be applicable to the Residential Program and every Application received under this RFQ. CEFIA reserves the right to amend any terms and conditions without notice and at any time prior to the approval of a contractor or System Owner.

5.2. FREEDOM OF INFORMATION ACT AND CONFIDENTIAL MATERIAL

CEFIA is a public agency for purposes of the Connecticut Freedom of Information Act. This Application and any files or documents associated with the Application, including e-mails or other electronic files, will be considered a public record and will be subject to disclosure under FOIA. Under C.G.S. §1-210(b) and §16-245n(D), FOIA includes exemptions for, among other things, trade secrets and commercial or financial information given in confidence. Only the particular information falling within a statutory exemption can be withheld by CEFIA.

All contractors or System Owners submitting an Application must specifically identify particular sentences, paragraphs, pages, sections or exhibits it claims are confidential and should be exempt, and provide these confidential materials in a separate PDF file clearly labeled “CONFIDENTIAL”. All Application materials not clearly marked as confidential will not be treated as confidential and will be made available for public view upon a FOIA request. Contractors or System Owners may not submit the entire Application marked as confidential.

Contractors or System Owners must also provide a statement of the basis for each claim of exemption. It will not be sufficient to state generally that the Application is proprietary or confidential in nature and not, therefore, subject to release to third parties.

In the event of a public records request for an Application, CEFIA may request from the contractor or System Owner a version of such Application from which all information for which an FOIA exemption has been claimed has been redacted. By submitting an Application, the contractor or System Owner agrees to provide such a redacted version upon request by CEFIA.

Further, contractors or System Owners should be aware:

- (i) CEFIA has no obligation to notify any contractor or System Owner of any FOIA request received by CEFIA, although it may make an effort to do so;
- (ii) CEFIA may disclose materials claimed to be exempt if in its judgment such materials do not appear to fall within a statutory exemption;
- (iii) CEFIA may in its discretion notify contractors or System Owners of FOIA requests and/or of complaints made to the Freedom of Information Commission concerning items for which an exemption has been claimed, but CEFIA has no obligation to initiate, prosecute or defend any legal proceeding or to seek to

secure any protective order or other relief to prevent disclosure of any information pursuant to an FOIA request;

(iv) the contractor or System Owner will have the burden of establishing the availability of any FOIA exemption in any such legal proceeding; and

(v) in no event shall CEFIA or any of its officers, directors or employees have any liability for the disclosure of documents or information in CEFIA's possession where CEFIA, or such officer, director or employee in good faith believes the disclosure to be required under FOIA or other law.

5.3. No Commitment; Reserved Rights

The Residential Program is not an offer. Neither the Residential Program nor any subsequent discussion shall give rise to any commitment on the part of CEFIA or confer any rights on any contractor or System Owner unless and until the contractor or System Owner has been approved by CEFIA. CEFIA reserves the right to reject any or all Applications; waive defects or irregularities in any Application; enter into discussions with selected contractors or System Owners; discontinue discussions with any contractor or System Owner at any time and for any reason; correct inaccurate awards; change the timing or sequence of activities related to the Residential Program; modify, suspend or cancel the Residential Program; and condition, modify or otherwise limit awards pursuant to the Residential Program.

5.4. Costs to Approved Contractors and System Owners

Contractors and System Owners shall bear all costs associated with the preparation of an Application, any related investigative or due diligence activities and any resulting discussions or negotiations.

5.5. Approved Contractor and System Owner Representations

By responding to this RFQ, the contractor or System Owner shall be deemed to have represented and warranted that: (1) the contractor's or System Owner's Application is not made in connection with any competing contractor or System Owner submitting a separate Application to this RFQ and is in all respects fair and without collusion or fraud; provided, that this requirement shall not be construed to prohibit any person or entity from being involved in more than one Application; (2) no CEFIA Board of Directors member, consultant to CEFIA or employee of CEFIA participated directly or indirectly in the contractor's or System Owner's Application preparation; (3) the contractor or System Owner has not been convicted of bribery or attempting to bribe a public official or employee of the state, has not been disqualified for contract awards by any agency of the state and is not in default under any contract with an agency of the state; (4) the contractor or System Owner has not provided any gift or benefit to any state official or employee having direct influence over the evaluation of this Application; (5) the contractor or System Owner has disclosed all affiliates, partnerships and relationships; and (6) the information contained in the Application is true, accurate and complete and includes all information necessary to ensure the statements therein are not misleading.

5.6. Use of Information and Ownership of Work Product

Except for information falling within a statutory FOIA exemption as described in the section above dealing with the FOIA, CEFIA is not restricted in its right to use or disclose any or all of the information contained in any Application and can do so without compensation to the contractor or System Owner, notwithstanding any language in the Application to the contrary. Except as otherwise expressly provided in an agreement with CEFIA, all work products developed under a contract awarded as a result of this RFQ shall be the sole property of CEFIA.

5.7. State Contracting Requirements

This RFQ and any incentives awarded pursuant to this RFQ shall be subject to and incorporate all applicable legal requirements arising under federal or state law, including applicable state statutes and Executive Orders relating to maintenance and examination of records, nondiscrimination, sexual discrimination, the Americans with Disabilities Act, violence in the workplace and whistleblower protection. A more complete description of such state contracting requirements is available on request directed to CEFIA in accordance with the communications protocol set forth above.

5.8. Indemnification

The Approved Contractor or System Owner shall protect, indemnify, and hold harmless CEFIA, and the State of Connecticut from and against all liabilities, losses, claims, damages, judgments, penalties, causes of action, costs, and expenses (including, without limitation, attorneys' fees and expenses) imposed upon, or incurred by, or asserted against CEFIA, or the State of Connecticut resulting from, arising out of, or relating to the performance of these Standard Terms and Conditions. The obligations of the Approved Contractor or System Owner under this section shall survive any expiration or termination of these Standard Terms and Conditions, and shall not be limited by any enumeration herein of required insurance coverage.

5.9. Publicity

Approved Contractors or System Owners shall collaborate with CEFIA to prepare any press release and to plan for any news conference concerning PV systems installed in this program or any CEFIA program information. In addition, Approved Contractors or System Owners shall notify CEFIA regarding any media interview in which PV systems installed in this program or any CEFIA program information are referred to or discussed.

Commercial promotional materials, advertisements, and informational brochures produced by the contractor shall credit CEFIA and shall be submitted to CEFIA for review and recommendations to improve their effectiveness prior to use. The wording of such credit can be approved in advance by CEFIA, and, after initial approval, such credit may be used in subsequent promotional materials or advertisements without additional approvals for the credit. Such approvals shall not be unreasonably withheld, and in the event that notice of approval or disapproval is not received by the Approved Contractor or System Owner within thirty (30) days after receipt of request for approval, the promotional materials or advertisement shall be considered approved. If CEFIA and the Approved Contractor or System Owner do not agree on the wording of such credit in

connection with such materials, the Approved Contractor or System Owner may use such materials, but agrees not to include such credit.

Approved Contractors may post only the following information about this RFQ, CEFIA-PV-12-001, on its web site:

“The Clean Energy Finance and Investment Authority (CEFIA) provides incentives for the installation of grid-connected solar photovoltaic (PV) systems. Cash rebates are only available for PV systems purchased through CEFIA’s Approved Contractor network. As a CEFIA Approved Contractor, (*Insert contractor company name*) is authorized to apply for rebates for PV systems on Connecticut homes located in Connecticut Light & Power or The United Illuminating Company territories.

Questions about CEFIA’s Residential Solar Photovoltaic Investment Program should be directed to:

Clean Energy Finance and Investment Authority
865 Brook Street
Rocky Hill, CT 06067-3444
Telephone: 860.563.0015
Fax: 860.563.4877
E-mail: smallsolar@ctcleanenergy.com
Web page: www.ctcleanenergy.com/SmallSolar”

System Owners may post only the following information about this RFQ, CEFIA-PV-12-001, on its web site:

“The Clean Energy Finance and Investment Authority (CEFIA) provides incentives for the installation of grid-connected solar photovoltaic (PV) systems. Performance based incentives are only available for PV systems financed by CEFIA’s third-party PV system owners. (*Insert system owner company name*) is authorized to apply for performance based incentives for PV systems on Connecticut homes located in Connecticut Light & Power or The United Illuminating Company territories.

Questions about CEFIA’s Residential Solar Photovoltaic Investment Program should be directed to:

Clean Energy Finance and Investment Authority
865 Brook Street
Rocky Hill, CT 06067-3444
Telephone: 860.563.0015
Fax: 860.563.4877
E-mail: smallsolar@ctcleanenergy.com
Web page: www.ctcleanenergy.com/SmallSolar”

5.10. Release by the Approved Contractor or System Owner

The acceptance by the Approved Contractor or System Owner of a final payment shall release CEFIA from all claims and liability the Approved Contractor or System Owner might otherwise have.