

RESOLUTION NO. 55 FOR THE YEAR 2023

**A RESOLUTION AWARDING A CONTRACT FOR
THE CONSTRUCTION OF THE CITY'S PROPOSED FLOATING
SOLAR ARRAY TO DLC ELECTRIC**

WHEREAS, the City issued an Invitation to Bid to qualified contractors for the construction of the City's proposed Floating Solar Array and seven bids were received; and

WHEREAS, the bids were reviewed and it has been recommended that the contract for the construction of the City's proposed Floating Solar Array be awarded to DLC Electric; and

WHEREAS the Board of Managers has awarded the contract to DLC Electric of Troy, NY, subject to Common Council approval.

NOW, THEREFORE, BE IT

RESOLVED, that the contract for the construction of the City's proposed Floating Solar Array is hereby awarded to DLC Electric for the base bid of \$7,673,900.00 plus the alternate bid of \$250,000.00 for a total sum of \$7,923,900.00 and the Mayor is hereby authorized to sign a purchase order and/or agreement for same upon approval as to form by the Corporation Counsel; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Approved as to form this 28th day of November, 2023.



Brian S. Kremer
Corporation Counsel

Resolution No. 55 for the Year 2023
November 28, 2023
Page 2

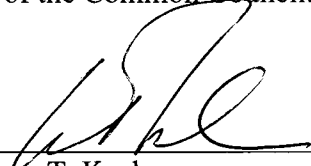
Engrossed and signed by the President of the Common Council and attested by the Clerk of the Common Council this 28 day of November, 2023.


Clerk


President

I hereby approve the foregoing Resolution of the Common Council.

11/29/23
Date


William T. Keeler
Mayor of the City of Cohoes, New York

REQUEST FOR AGENDA ITEM
Legislative Request / BOM Request

Legislative Request BOM Request

Date 11/9/2023
Department Building & Planning
Contact Person Joe Seman-Graves

PERPOSE FOR REQUEST:

Adoption of Resolution: _____
Adoption of Local Law: _____
Adoption of Ordinance: _____
Budget Amendment: _____
Bond Approval: _____
Contract Authorization:
Other (Briefly Explain) _____

Budget Amendment (State the following)
Increase Account/Line No. _____
Decrease Account /Line No. _____
Source of Funds _____

CONTRACT AUTHORIZATION

Purchase Equipment/Supplies:
Lease Equipment/Supplies: _____
Professional Services:
Education/Training: _____
Settlement of Claim: _____

Grants:
New _____
Renewal _____
Submission Dead Line _____

Fiscal Impact in Dollars or Percentage

Federal 0
State \$279,900
City of Cohoes \$31,300
National Grid 0

All back -up material has been submitted x

Explanation:

After a dynamic four-year journey filled with exploration, coalition building, advocacy, funding outreach, engineering marvels, design finesse, permitting hoops, and competitive bidding, the City of Cohoes is on the verge of a groundbreaking moment. We're gearing up to empower the Mayor to execute a contract with DLC Electric, marking the inception of New York State's first Floating Solar Array and the nation's inaugural Municipally Owned Floating Solar Array.

This achievement is not just a feather in our cap—it's a resounding declaration of Cohoes as a technological trailblazer and a frontrunner in the renewable energy realm. Beyond the groundbreaking technology, the economic implications are monumental. Similar to the enduring benefits reaped from our streetlighting conversion project, this initiative promises sustained economic prosperity for the city throughout the coming decades.

While I typically strive for a factual tone in my communications with the Council and Board of Managers (BOM), I can't help but take a moment to express my gratitude to each and every one of you. This journey wouldn't have been possible without your unwavering support and collaboration. Together, we're not just reaching a milestone—we're setting a national standard. Thank you for being the driving force behind this extraordinary achievement.

Turning our attention to the current voting matter, the Board of Managers (BOM) officially sanctioned the issuance of an Invitation to Bid for the Cohoes Floating Solar Array project during their meeting on 8/4/2023. Subsequently, the invitation was released on 9/1/2023, accompanied by a site walk on 9-26-2023, and bids were accepted until 9:30 am on 10/27/2023. The sealed bids were unveiled during the BOM meeting held on the same day at 10 am, drawing interest from a total of 51 plan holders, resulting in seven (7) submitted bids.

Upon thorough evaluation of the bids, RETTEW Engineering, in their contract award letter dated 11/6/2023 (attached), identified DLC Electric as the most financially responsible bidder. DLC Electric proposed a base bid of \$7,673,900, along with an alternate bid of \$250,000 for the raw water bypass system upgrades. Considering the distinctive financing structure of this project, I sought additional insights from RETTEW, and their detailed analysis of the Bid Price and Financial Impacts to the City is attached

for your review. However, for a quick overview, I have summarized the key points below:"

Bid

Base Bid - \$7,673,900.00

Alternate Bid - \$250,000.00

Total - \$7,923,000.00

Alternate Deduct for using a different type of floating system - (\$270,000.00)

Total less all deducts - \$7,653,000.00

Grants

Federal THUD Grant via Congressman Paul Tonko – (\$3,000,000)

National Grid Economic Development Grant – (\$750,000)

Total less all grants - \$3,903,000.00

Incentives

NYSERDA NY SUN Program – (\$961,380.00)

Federal Inflation Reduction Act Section 48 Investment Tax Credits – (\$2,747,234.00)

Total less incentives – \$195,286.00

The overall projected out-of-pocket expense to the city during the construction phase of the project stands at approximately \$195,286.00. However, it's crucial to note that this figure excludes the provision for Construction Administration Services, a responsibility we expect RETTEW to shoulder. The initial estimate for these services was \$250,000, with 34%—equivalent to \$85,000—potentially eligible for reimbursement under the Section 48 Investment Tax Credits. I expect to have this contract in the coming week.

Moreover, the aforementioned cost does not encompass the potential interest accruing during the construction phase on borrowed (bonded or banded) funds. In our commitment to minimizing the impact of accruing interest, the City aims to fund as much of the project as possible without resorting to borrowing. This strategy involves leveraging available funds, including a 50% upfront payment through the NYSERDA NY SUN program and ongoing reimbursements facilitated by the \$3,000,000 federal grant as we advance through project milestones. The remaining funds are anticipated to be reimbursed upon the successful completion of the project.

Furthermore, it is worth emphasizing that upon completion, the project is poised to yield substantial benefits. Anticipated savings amount to approximately \$300,000 in annual electricity costs for the City, utilizing only 60% of the array's capacity. Notably, the remaining 40% offers flexibility—whether to reserve for future needs or to be monetized by selling to another entity. In essence, the projected payback period for this initiative is expected to span a mere one to two years.

In light of these considerations, I respectfully seek approval from the Board of Managers (BOM) and the Common Council to proceed with this request and authorize Mayor

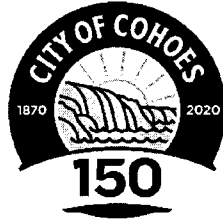
Keeler to enter into a construction phase contract with DLC Electric for the Cohoes Floating Solar Array.

Thank you and please reach out should you have any questions.

Submitted by: Joe Seman-Graves date 11/9/2023

CITY OF COHOES OFFICE OF PLANNING

TESS DRAUSCHAK
ASST. CITY PLANNER
tdrauschak@ci.cohoes.ny.us



PHONE: 518 233-2118
97 Mohawk Street
Cohoes, NY 12047

November 9th, 2023

Honorable William T. Keeler
Mayor of Cohoes
97 Mohawk Street
Cohoes, N.Y. 12047

Re: Authorizing Contract with DLC Electric for Floating Solar Project.

Dear Mayor Keeler,

After a dynamic four-year journey filled with exploration, coalition building, advocacy, funding outreach, engineering marvels, design finesse, permitting hoops, and competitive bidding, the City of Cohoes is on the verge of a groundbreaking moment. We're gearing up to execute a contract with DLC Electric, marking the inception of New York State's first Floating Solar Array and the nation's inaugural Municipally Owned Floating Solar Array.

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While I typically strive for a factual tone in my communications, I can't help but take a moment to express my gratitude to you and the rest of Cohoes' leadership. This journey wouldn't have been possible without your unwavering support and collaboration. Together, we're not just reaching a milestone—we're setting a national standard. Thank you for being the driving force behind this extraordinary achievement.

Turning our attention to the current voting matter, the Board of Managers (BOM) officially sanctioned the issuance of an Invitation to Bid for the Cohoes Floating Solar Array project during their meeting on 8/4/2023. Subsequently, the invitation was released on 9/1/2023, accompanied by a site walk on 9-26-2023, and bids were accepted until 9:30 am on 10/27/2023. The sealed bids were unveiled during the BOM meeting held on the same day at 10 am, drawing interest from a total of 51 plan holders, resulting in seven (7) submitted bids.

Upon thorough evaluation of the bids, RETTEW Engineering, in their contract award letter dated 11/6/2023 (attached), identified DLC Electric as the most financially responsible bidder. DLC Electric proposed a base bid of \$7,673,900, along with an alternate bid of \$250,000 for the raw water bypass system upgrades. Considering the distinctive financing structure of this project, I sought additional insights from RETTEW, and their detailed analysis of the Bid Price and Financial Impacts to the City is attached for your review. However, for a quick overview, I have summarized the key points below:"

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Total less all deducts - \$7,653,000.00

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Federal Inflation Reduction Act Section 48 Investment Tax Credits – (\$2,747,234.00)

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The overall projected out-of-pocket expense to the city during the construction phase of the project stands at approximately \$195,286.00. However, it's crucial to note that this figure excludes the provision for Construction Administration Services, a responsibility we expect RETTEW to shoulder. The initial estimate for these services was \$250,000, with 34%—equivalent to \$85,000—potentially eligible for reimbursement under the Section 48 Investment Tax Credits. I expect to have this contract in the coming week.

Moreover, the aforementioned cost does not encompass the potential interest accruing during the construction phase on borrowed (bonded or banded) funds. In our commitment to minimizing the impact of accruing interest, the City aims to fund as much of the project as possible without resorting to borrowing. This strategy involves leveraging available funds, including a 50% upfront payment through the NYSERDA NY SUN program and ongoing reimbursements facilitated by the \$3,000,000 federal grant as we advance through project milestones. The remaining funds are anticipated to be reimbursed upon the successful completion of the project.

Furthermore, it is worth emphasizing that upon completion, the project is poised to yield substantial benefits. Anticipated savings amount to approximately \$300,000 in annual electricity costs for the City, utilizing only 60% of the array's capacity. Notably, the remaining 40% offers flexibility—whether to reserve for future needs or to be monetized by selling to another entity. In

essence, the projected payback period for this initiative is expected to span a mere one to two years.

In light of these considerations, I respectfully seek approval from the Board of Managers (BOM) and the Common Council to proceed with this request and authorize you to enter into a construction phase contract with DLC Electric for the Cohoes Floating Solar Array.

Thank you and please reach out should you have any questions.

A handwritten signature in black ink that reads "Joseph Seman-Graves". The signature is written in a cursive, flowing style.

Joseph Seman-Graves
City Planner
City of Cohoes

INVITATION TO BID

OWNER: City of Cohoes
97 Mohawk Street
Cohoes, NY 12047

ENGINEER: RETTEW Engineering & Surveying, P.C.
3020 Columbia Avenue
Lancaster, PA 17603

The City of Cohoes will receive sealed bids online for the Cohoes Floating Solar Project and can be submitted and updated online until 9:30AM on October 27, 2023. Bids will be publicly opened and ready at 10:00AM local time on October 27, 2023. All documents and solicitation details are available any time on BidNet or at the City of Cohoes Solicitation website.

A voluntary pre-bid meeting will be held on September 26, 2023 at 10 AM at the Cohoes Filtration Plant located at 319 Vliet Boulevard. Representatives of Owner and Engineer will be present to discuss the project. Bidders are requested to attend and participate in the conference. Engineer will submit to all prospective bidders of record such agenda as Engineer considers necessary in response to questions raised at the conference. Oral statements may not be relied upon and will not be binding or legally effective.

A certified check or bid bond for the amount of 10% of the total bid shall be required. Bonds are to be issued by a surety licensed to do business in the State of New York. The successful bidder, no matter the amount of the bid, will be required to furnish a Performance and Payment Bond with its signed contract.

Interested bidders need to register at the BidNet or City of Cohoes website. Once registered, bidders can obtain all project documents and submit and update their bids online.

Bids shall remain open for a period of 45 days from the date of Bid opening. Bids may not be withdrawn during this period. See Instructions to Bidders for other provisions on the time available for acceptance of Bids. All Bidders must bid on all items listed on the Bid Form.

The successful Bidder shall substantially complete the project within 365 calendar days of receipt of the Notice to Proceed.

This contract is subject to the following: Minimum wage rates as determined by United States Secretary of Labor under Subchapter IV of Chapter 31 of Title 40 USC shall apply to this Project (Davis-Bacon Wage Rates); the Federal Occupational Safety and Health Act of 1970 (OSHA) conditions; the New York One Call Act, also known as the Call Before You Dig, Code Rule 753, as amended.

Additionally, the CONTRACTOR is required to meet the provisions of the Inflation Reduction Act that modifies the Internal Revenue Code, Section 45(b)(8)(A)(i), for the provision of qualified Apprenticeship to complete construction, alteration, or repair work. The minimum percentage of Apprenticeship Labor Hour Requirements shall be 12.5% as defined in Section 45(b)(8)(A)(ii), Section 45(b)(8)(C), and Section 45(b)(8)(D).

To the full extent applicable, each bidder shall submit with its bid a separate sealed list that names each Subcontractor that the bidder will use to perform work on the contract and agreed upon price to be paid for: (a) electrical wiring and standard fixtures (b) plumbing and gas fittings and (c) general construction. There is no steam heating, hot water heating, ventilating and air conditioning apparatus on the project. The submission that contains the agreed upon price shall be acknowledged by both Contractor and Subcontractor. The sealed list of Subcontractors submitted by unsuccessful bidders shall be destroyed.

The City of Cohoes reserves the right to accept or reject any or all Bids.

BID TABULATION
City of Cohoes
Cohoes Floating Solar Array

Date of Bids: October 27, 2023
Time of Bids: 10:00 AM
Bids received via BidNet website

COMPANY	Addendum Acknowledgment				BID BOND	NON-COLLUSIVE AFFIDAVIT	BASE BID	ALTERNATE
	No. 1	No. 2	No. 3	No. 4				
Advanced Solar Products 270 South Main Street, Suite 203 Flemington, NJ 08822	X	X	X	X	X	X	\$10,145,730.00	--
Ameresco 111 Speen Street, Suite 410 Framingham, MA 01701	X	X	X	X	X	X	\$10,552,605.00	\$238,481.00
Centrica Business Solutions 3 Rosell Drive Ballston Lake, NY 12109	X	X	X	X	X	X	\$8,994,701.11	\$281,173.12
DA Collins Construction Co. Inc. 269 Ballard Road Wilton, NY 12831	X	X	X	X	X	X	\$9,490,000.00	\$205,000.00
DLC Electric 479 NY-40 Troy, NY 12182	X	X	X	X	X	X	\$7,673,900.00	\$250,000.00
Next Generation Solar 5975 Old Court Street Syracuse, NY 13206	X	X	X	X		X	\$9,046,940.00	--
Verogy, LLC 124 LaSalle Road, 2nd Floor West Hartford, CT 06107	X	X	X	X	X	X	\$8,627,200.97	\$469,306.20

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT TABULATION OF
 BIDS RECEIVED OCTOBER 27, 2023.

Jason D. Wert, PE
 Market Leader



RETTEW.





We answer to you.

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E-mail: rettetw@rettetw.com • Web site: rettetw.com

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Consultants

November 6, 2023

Mr. Joseph Seman-Graves, City Planner
City of Cohoes
97 Mohawk Street
Cohoes, NY 12047

RE: Cohoes Floating Solar Array
Contract Award Recommendation
RETTEW Project No. 123192000

Dear Mr. Seman-Graves:

On October 27, 2023, bids were received from seven prospective contractors for the Cohoes Floating Solar Array Project. A tabulation of the bidding results is attached to this letter for your reference and use.

Based upon our review, all of the bidders were responsive to the Contract Documents with all bids submitted in a proper format. Based on the information submitted we recommend the following Contractor be provided with Notice of Intent to Award:

DLC Electric

Base Bid.....\$7,673,900.00
Alternate..... \$250,000.00

Please let us know when the City officially awards the contract, and, at the appropriate time, we will notify the selected Contractor with a Notice of Award, and at the same time, request the required performance and payment bonds, and the insurance certificates. We are also available to attend a City meeting to review the bids and any financial review.

Upon receipt of executed Contract Documents, including suitable Performance and Payment Bonds, RETTEW recommends the City execute the Agreements and issue a Notice to Proceed to the Contractor. This is anticipated to occur in November 2023.

Should you have any questions, or require additional information, please contact me at any time.

Sincerely,

Elizabeth Helsel
Project Manager

Jason D. Wert, PE, BCEE
Market Leader Renewables

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3020 Columbia Avenue, Lancaster, PA 17603 • Phone: (800) 738-8395
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Landscape
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Environmental
Consultants

November 6, 2023

Mr. Joseph Seman-Graves, City Planner
City of Cohoes
97 Mohawk Street
Cohoes, NY 12047

RE: Cohoes Floating Solar Array
Evaluation of Bid Price and Financial Impacts
RETTEW Project No. 123192000

Dear Mr. Seman-Graves:

On October 27, 2023, bids were received from seven prospective contractors for the Cohoes Floating Solar Array Project. Under separate cover, RETTEW recommended DLC Electric be provided with a Notice of Intent to Award. Their base bid and alternate pricing were used for this financial analysis:

Base Bid\$7,673,900.00
Alternate\$250,000.00

Included within DLC Electric’s bid was the option (known as a Basis of Bid Alternative) to utilize a different floating system manufacturer that would provide a deduct to the base price. For purposes of the financial analysis, RETTEW has included this in the financials as it benefits the City in reducing the overall cost.

Alternative Deduct – Profloating\$270,000.00

The total of the Construction Contracts would then be **\$7,653,900.00**. As the City is aware, it is benefitting from a number of public financing and subsidy programs for the implementation of the Floating Solar Array. These include:

1. Federal and Local Grant Funding – The City has received direct Federal Grant funding and a grant from National Grid, totaling **\$3,750,000.00**. These directly reduce the cost of the project.
2. NYSERDA NY-SUN Incentive – NYSERDA subsidizes the construction cost of solar projects in NY State through the NY SUN Program. The NY SUN Program provides a subsidy based on the size of the solar array and has provided advanced notice of an additional incentive for floating solar. The analysis here includes the base incentive of \$0.10/Watt, prevailing wage adder of \$0.05/Watt and floating solar adder of \$0.15/Watt. With the total project capacity of 3,204,600 Watts, this translates to **\$961,380.00** that directly reduces the cost of the project. NY-SUN funding is disbursed in installments – 50% would be paid upfront and 25% would be received for the following two years on the anniversary of the construction completion.
3. Inflation Reduction Act – The Federal Inflation Reduction Act of 2022 provided for direct payment of the Section 48 Investment Tax Credit to Government Entities upon the



completion of the project. The project with domestic materials will qualify for a 40% Investment Tax Credit, that conservatively, we assume will need reduced by 15% of the base credit due to the use of interest free financing for the project. This then equates to a net percentage of 34% of the total Project Cost (inclusive of engineering, permitting, capitalized interest, etc.), or a total estimated figure of **\$2,747,234.00**. The City would apply for these funds in 2023 to notify the Federal Government of the pending application and they would be received in the CY upon conclusion of the construction.

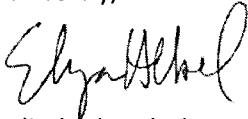
The net project costs then would be as follows:

Total Construction Cost.....	\$7,653,900.00
Existing Project Grants.....	(\$3,750,000.00)
NYSERDA NY-SUN Incentives.....	(\$961,380.00)
Inflation Reduction Act Incentives ³	(\$2,747,234.00)
Net Project Cost.....	\$195,286.00

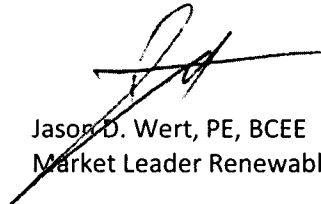
The above Net Project Cost would then be the net cost to the City, plus any capitalized interest during construction. Based upon the current annual utility bills of approximately \$300,000.00, payback of the Project occurs within 8 months. If the additional electricity from the Project is placed with partner agencies (such as the School District) for a fee, then the payback is further reduced.

Should you have any questions, or require additional information, please contact me at any time.

Sincerely,



Elizabeth Helsel
Project Manager



Jason D. Wert, PE, BCEE
Market Leader Renewables

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