



REQUEST FOR PROPOSALS (RFP)

Commercial Building Energy Standard (CBES) Services

INTRODUCTION

The Vermont Department of Public Service (DPS) is seeking the services of a qualified contractor with demonstrated experience in Commercial building practices; energy codes; public outreach; and excellent written, verbal and organization skills to provide consulting services to update the Vermont Commercial Building Energy Standard (CBES). The contractor will work closely with DPS and a stakeholder advisory group.

American Recovery and Reinvestment Act (ARRA) funding is supporting the contract for CBES services. Thus, applicants must meet all transparency and accountability requirements if they are chosen as recipients of ARRA funding. The Department of Public Service and the Clean Energy Development Fund Board reserve the right to make necessary changes or adjustments to any statements made in this RFP upon receiving further guidance from DOE, OMB, or the Vermont Office of Stimulus and Recovery (ESR).

Proposals are due by 4:00 P.M. on Friday the 19th of February 2010 with the goal of awarding a contract by the early March 2010. The contract period will run through December 2010.

Applicants mailing proposals should allow adequate time to ensure receipt of their proposal(s) by the deadline. One original signed hard copy, four additional hard copies, and an electronic copy (which can be emailed or submitted on a CD) of the proposal must be delivered to Michael Kundrath, Vermont Department of Public Service. **Both** electronic and hard copies must arrive before the deadline. Proposals and questions should be addressed to:

Michael R. Kundrath
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620-2601
Phone: (802) 828-4081
Email: michael.kundrath@state.vt.us

BACKGROUND

The Vermont Commercial Building Energy Standard (CBES), was enacted into law in 2006 (21 V.S.A. § 268). It is the energy code for all commercial buildings and residential building 4 stories or greater above grade in Vermont, and took effect January 1, 2007. The current CBES uses the 2005 Vermont Guidelines for Energy Efficient Commercial Construction as the energy code handbook; it is a stand alone document for the State of Vermont based upon amendments to

the International Energy Conservation Code® 2004 Supplement. The statute requires that at least a year prior to final adoption of each revision of the CBES, the DPS shall convene an advisory committee to include one or more mortgage lenders, builders, building designers, utility representatives and other persons with experience and expertise, such as consumer advocates and energy conservation experts to provide the Department with recommendations for revisions of the CBES. The Department anticipates that the advisory committee will meet 3-6 times.

In 2009, the U.S. Department of Energy (DOE) included the following requirements for applying for funding through the American Recovery and Reinvestment Act (ARRA):

Section 410 of the ARRA Conference Report provides that a State will receive State Energy Program (SEP) funding under ARRA only if the Governor notifies the Department of Energy in writing that they have obtained the following assurances.

The State, or the applicable units of local government that have authority to adopt building codes, will implement the following:

- A Commercial building energy code (or codes) that meet or exceed the most recent International Energy Conservation Code, or achieve equivalent or greater energy savings.
- A plan to achieve 90 percent compliance with the above energy codes within eight years. This plan will include active training and enforcement programs and annual measurement of the rate of compliance.

In response to DOE requirements for funding through ARRA the Vermont General Assembly made the following additions to the CBES through the passage of Act 45. This includes timelines to update the Commercial Energy Code as required in ARRA. The Act requires the new energy codes to be in effect no later than January 1, 2011 and requires the completion of a compliance plan as required by ARRA no later than September 1, 2011, and the establishment of training and enforcement programs and a system for verifying the rate of compliance by June 30, 2012.

The DPS plans to first address the code update and then at a later date reconvene the stakeholder group to discuss the compliance verification plan. Therefore tasks regarding the compliance verification plan are not included in the scope of work for this RFP.

SCOPE OF SERVICES

- Facilitate 4-6 stakeholder meetings (including drafting agendas, writing minutes, sending materials to stakeholders, etc).
- Provide technical assistance as needed, including suggested Vermont specific amendments to the IECC 2009 (if deemed necessary).
- Assist with Vermont rulemaking process including drafting economic analysis and impact statement; assisting with drafting of rules, and possibly providing testimony to Legislative Committee on Administrative Rules.
- Facilitate public meeting (if deemed necessary).
- Assist with the update of the CBES Handbook and Certificate (amending and editing current Handbook to include new code information).

- Complete a plan for outreach and education on the code update and possibly assist with implementation of this plan, including presentations on the new code to stakeholder groups.

INFORMATION REQUIRED FROM APPLICANTS

Proposals should be prepared simply and economically, providing a straight forward, concise description of the applicant's ability to meet the requirements of the RFP. Fancy bindings, colored displays, promotional materials, and so forth, are not desired. Emphasis should be on completeness and clarity of content. Information in the applicant's proposal which should be held confidential must be clearly marked as confidential and comply with an exemption from public inspection as per 1 V.S.A. § 317(c).

Proposals should be no longer than 30 pages, with no less than an 11 point font and one inch margins (resumes **do not** count toward the 30 page limit) and must include at minimum the following information:

Identification of Organization

State the full name and address of the organization and, if applicable, other subcontractors that will perform, or assist in performing, the work.

Authorized Negotiators

Include the names and phone numbers of personnel authorized to negotiate the proposed contract with the State. One original hard copy must be signed by a duly authorized representative of the party (or parties) submitting the proposal.

Prior Experience Disclosure

Prior experience in Commercial building practices, energy codes, and public outreach is important to the selection of a contractor. Proposals must include a description of the applicant's experience in each of these areas.

Personnel

Each organization submitting a proposal under this RFP shall have demonstrable knowledge, skills and experience as it relates to the required work. The proposal must identify all persons that will be employed in the proposed work by skill and qualifications. Identify key personnel by name and title and provide a resume for each (resumes **do not** count toward the 30 page limit). Subcontractors must be listed, including the firm name and address, contact person, and complete description of work to be subcontracted. Include descriptive information concerning subcontractor's organization and abilities.

Work Plan

Describe in narrative form the plan for accomplishing the work. Indicate the number of hours allocated to each task and which staff member(s) will complete the tasks. Describe quality assurance measures that will be put in place to make certain that services will be delivered in an effective, efficient, timely, and competent manner.

Budget Considerations

Applicants must submit a proposed budget for services described in this RFP and include narrative explanations.

The following cost elements should be included:

Personnel (position, rate, hours)
Travel (mileage must be billed at the state rate in effect at the time of travel (currently 50 cents/mile)
Supplies & Materials
Other (specify)
Total Direct Costs
Indirect Costs
BUDGET TOTAL

Additional Information and Comments

Include any other information that is believed to be pertinent, but not specifically requested elsewhere in this RFP.

SELECTION CRITERIA

The DPS will evaluate all proposals received based upon reasonableness of cost, completeness and quality of the proposal, qualifications of the individuals proposed to perform the work, relevance of previous experience, and any other criteria it deems relevant. Acceptance or rejection of any or all proposals will be determined by the exercise of the Department's sole discretion.

All proposals are subject to an evaluation by the DPS and/or non-departmental reviewers. The DPS reserves the right (but in no way is obligated) to interview the top prospective candidates to aid in the selection process.

The award of the contract will be made based on the following criteria:

1. Experience & Qualifications
 - Experience in Commercial building practices, energy codes, and public outreach.
 - Adequate staffing for described work.
2. Work Plan
 - Clarity and reasonableness of work plan, including definition and timeliness of tasks to be performed.
 - Quality assurance measures are well defined.
 - Ability to start quickly.
3. Budget
 - Budget line items and amounts are sufficiently described and justified.
 - Administrative costs are reasonable and competitive.

GENERAL TERMS AND CONDITIONS

1. The DPS reserves the right to reject any and all proposals received as a result of this RFP for any reason, to waive minor irregularities in any proposals received, and to negotiate with any party in any manner deemed necessary to best serve the interests of the State.

2. The DPS shall not be responsible for any costs incurred by any party in preparation of any proposal submitted in response to this RFP.
3. The DPS reserves the right to amend or cancel this RFP at any time if the best interest of the State requires such action.
4. News releases pertaining to this RFP, contract award, or the project shall not be made without prior written approval from the DPS.
5. The DPS will pay for actual work performed and expenses incurred under this project up to the specified contract amount. Specific payment provisions will be arrived at upon mutual agreement of the parties. All payments will require the submission of an itemized billing of work performed to date in sufficient detail to justify payment.
6. All parties submitting proposals shall be Equal Opportunity Employers. During the duration of the performance of this contract, the contractor will be expected to comply with all federal, state and local laws respecting non-discrimination in employment.
7. All deliverables submitted by the selected contractor shall become the property of the State.
8. The selected contractor(s) shall agree to grant to the State a nonexclusive, irrevocable license to reproduce, translate, publish, use, and dispose of all material developed as a result of the contract.
9. Before commencing work contractor(s) must provide certificates of insurance to show that the following minimum coverages are in effect. It is the responsibility of the contractor to maintain current certificates of insurance on file with the State through the term of the grant.

Workers' Compensation: With respect to all operations performed, the Recipient shall carry workers' compensation insurance in accordance with the laws of the State of Vermont.

General Liability and Property Damage: With respect to all operations performed under the grant, the Recipient shall carry general liability insurance having all major divisions of coverage including, but not limited to:

Premises - Operations
Products and completed Operations
Personal Injury Liability
Contractual Liability

The policy shall be on an occurrence form and limits shall not be less than:

\$1,000,000 Per Occurrence
\$1,000,000 General Aggregate
\$1,000,000 Products / completed products aggregate
\$ 50,000 Fire Legal Liability

Automotive Liability: The Recipient shall carry automotive liability insurance covering all owned, non-owned and hired vehicles, used in connection with the Grant. Limits of coverage shall not be less than: \$1,000,000 Combined single limit

No warranty is made that the coverages and limits listed herein are adequate to cover and protect the interests of the Recipient for the Recipient's operations. These are solely minimums that have been set to protect the interests of the State.

10. The DPS assumes no liability in any fashion with respect to this RFP or any matters related thereto. All prospective contractors and their subcontractors or successors, by their participation in the RFP process, shall indemnify, save and hold the DPS and its employees and agents free and harmless from all lawsuits, causes of action, debts, rights, judgments, claims, demands, damages, losses and expenses or whatsoever kind in law or equity, known and unknown, foreseen and unforeseen, arising from or out of this RFP and/or any subsequent acts related thereto, including but not limited to the recommendation of a contractor and any action brought by an unsuccessful applicant.
11. All funds dispersed from the American Recovery and Reinvestment Act (ARRA) are subject to all requirements of the ARRA including reporting requirements, purchasing requirements, auditing requirements, requirements for administration of funds received, and requirements for transparency and accountability. Please review the bulletins and forms available at <http://finance.vermont.gov/forms> for the latest guidance.
12. Contractors awarded federal funding must be registered in Central Contractor Registration (CCR) and have a DUNS number in order to receive a contract. This process can take a long time, so applicants should be preparing now. To obtain a number, call 1-866-705-5711 or visit <http://www.dnb.com/us/>.