



Vermont Energy Code Compliance Plan

REQUEST FOR PROPOSALS (RFP)

INTRODUCTION

The Vermont Department of Public Service (DPS) is seeking the services of a qualified contractor with demonstrated experience in building practices; energy codes; public outreach; and excellent written, verbal and organization skills to provide consulting services to create a plan to achieve 90 percent compliance with Vermont's new commercial and residential building energy codes by February 1, 2017. The plan will include suggestions for training and enforcement programs and annual measurement of the rate of compliance. The contractor will work closely with DPS and a stakeholder group(s).

Proposals are due by 4:00 P.M. on Tuesday, July 12, 2011 with the goal of awarding a contract by July 18, 2011. The contract period will run through December 2011.

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

Brian Cotterill
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620-2601
Phone: (802) 828-3212
Email: brian.cotterill@state.vt.us

BACKGROUND

Vermont is currently in the final stages of the process to update the state Commercial and Residential Energy Codes to meet or exceed International Energy Conservation Code (IECC) 2009 as required by ARRA and state statute. Act 45, passed on May 27, 2009, directs the Commissioner of Public Service to amend and update the Residential Energy Code, by means of administrative rules to comply with the 2009 edition of the IECC. The act also directs the Commissioner to complete rulemaking to amend the Commercial Building Energy Standards to ensure that commercial building construction be constructed in a manner that complies with ANSI/ASHRAE/IESNA standard 90.1-2007 or the 2009 edition of the IECC, whichever provides the greatest level of energy savings.

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:

- *Building Energy Code (or codes) that meets or exceeds the most recent International Energy Conservation Code, or achieves equivalent or greater energy savings.*
- *A plan to achieve 90 percent compliance with the energy codes within eight years. This plan will include active training and enforcement programs and annual measurement of the rate of compliance.*

Vermont has one of the few energy codes in the country where the builder self-certifies that construction complies with the law. Builders are responsible for construction meeting the minimum standards, and for completing and filing a certificate with the Department of Public Service and local Town Clerk verifying the thermal and efficiency features of the building in the as-built condition meet the energy codes. Although some of the larger Vermont municipalities have code officials there are no state code officials to verify or enforce the Energy Code in Vermont.

A statewide Energy Code compliance plan will outline a realistic approach for achieving 90 percent compliance with the Energy Codes by February 1, 2017. The plan will also address how to best implement on-going training related to Energy Code updates, unified Energy Code enforcement measures, and a process to evaluate and report annual rates of Energy Code compliance.

Vermont is currently participating in the Building Codes and Assistance Project (BCAP) Compliance Planning Assistance Project. For this project BCAP has completed a Gap Analysis for Vermont which identifies existing gaps and recommendations for addressing code compliance and related issues and will be made available to the selected contractor.

The Department of Energy Building Energy Codes Program (BECP) offers on-line resources to help states uniformly address the respective rates of compliance with their codes, BECP is developing procedures and tools to help states and jurisdictions measure and report compliance with building energy codes. BECP information on Measuring Compliance and Compliance Evaluation is currently available at <http://www.energycodes.gov>.

SCOPE OF SERVICES

The scope of services includes conducting research on current Energy Code compliance, training, and enforcement programs in the U.S. and developing an Energy Code Compliance Plan for Vermont. Critical to the scope of services is assembling a stakeholder group(s) to review, comment, and provide feedback on the draft plans. Convening stakeholder group(s) should include a goal to reach out and include one or more mortgage lenders; bankers associations; realtors associations; home builders associations; building designers; architects; civil, mechanical, and electrical engineers; utility representatives; environmental organizations;

consumer advocates; energy efficiency experts; and other persons who are potentially affected or have relevant expertise.

Task 1 – Research Existing Models and Summarize Findings

- a) Conduct a review of Energy Code compliance programs in other states (including Energy Code training and enforcement mechanisms).
- b) Summarize existing Energy Code compliance, training, and enforcement models and their key components.

Task 2 – Pre Stakeholder Engagement

- a) Assemble and convene energy code compliance stakeholder group(s) and establish regional representation for northern and southern Vermont.
- b) Conduct two regional stakeholder group meetings and present the findings of Task 1 (including drafting agendas, writing minutes, sending materials to stakeholders, etc).
- c) Solicit the comments and recommendations of the stakeholder group to inform the development of at least three Vermont specific Energy Code compliance plan scenarios.

Task 3 – Model Energy Code Compliance Plan Scenarios

- a) Model three distinct Energy Code compliance plans that address:
 - Active training and enforcement programs
 - Systems for measuring the rate of compliance each year
 - Centralization of code compliance oversight
 - Short and long term funding mechanisms for implementation
 - Achieving 90 percent compliance by February 1, 2017

Task 4 – Post Stakeholder Engagement

- a) Conduct two regional stakeholder group meetings and present the findings of Task 3 (including drafting agendas, writing minutes, sending materials to stakeholders, etc).
- b) Solicit the comments and recommendations of the stakeholder group(s) to propose a selected scenario for the model Energy Code Compliance Plan.

Task 5 – Develop Draft Vermont Energy Code Compliance Plan

- a) Work with the Department to develop the proposed model for the Compliance Plan based on the findings of Task 1, 2, 3 & 4.
- b) Present a completed Draft Plan to the Department by the end of September.

Task 6 – Final Stakeholder Engagement

- a) Conduct one statewide stakeholder group meeting and present the Draft Plan developed in Task 5 (including drafting agendas, writing minutes, sending materials to stakeholders, etc).
- b) Solicit the comments and recommendations of the entire stakeholder group to inform the development of one final Vermont Energy Code Compliance Plan that addresses the objectives in Task 3.

Task 7 – Develop Final Vermont Energy Code Compliance Plan

- a) Work with the Department to develop one Final Vermont Energy Code Compliance Plan based on the findings of the above tasks.
- b) Present a Final Draft to the Department by the end of December 2011.

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 10 pages, with no less than an 11 point font and one inch margins (resumes **do not** count toward the 10 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 residential and commercial building practices, energy codes, outreach and facilitation are 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 10 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 (not to exceed \$55,000) 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)
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 residential and commercial building practices, energy codes, outreach and facilitation and code compliance planning.
 - 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.