



**Department of Public Service**  
112 State Street | Montpelier VT 05620  
<https://publicservice.vermont.gov/>

# **REQUEST FOR PROPOSAL**

## **Opinion Polling Services**

|                             |                                       |
|-----------------------------|---------------------------------------|
| <b>ISSUE DATE</b>           | <b>February 22, 2023</b>              |
| <b>QUESTIONS DUE</b>        | <b>March 9, 2023 – 4:30 PM (EST)</b>  |
| <b>RFP RESPONSES DUE BY</b> | <b>March 21, 2023 – 4:30 PM (EST)</b> |

**PLEASE BE ADVISED THAT ALL NOTIFICATIONS, RELEASES, AND ADDENDUMS ASSOCIATED WITH THIS RFP WILL BE POSTED AT:**

<https://publicservice.vermont.gov/content/requests-proposals>

**THE STATE WILL MAKE NO ATTEMPT TO CONTACT INTERESTED PARTIES WITH UPDATED INFORMATION. IT IS THE RESPONSIBILITY OF EACH BIDDER TO PERIODICALLY CHECK THE ABOVE WEBPAGE FOR ANY AND ALL NOTIFICATIONS, RELEASES AND ADDENDUMS ASSOCIATED WITH THIS RFP.**

|                       |   |
|-----------------------|---|
| <b>STATE CONTACT:</b> | <b>Christopher Heine, Clean Energy Program Specialist</b>                               |
| <b>TELEPHONE:</b>     | <b>(802) 522-7554</b>   |
| <b>E-MAIL:</b>        | <b><a href="mailto:christopher.heine@vermont.gov">christopher.heine@vermont.gov</a></b> |

## 1. OVERVIEW:

- 1.1. **SCOPE AND BACKGROUND:** Through this Request for Proposals (RFP) the Vermont Department of Public Service (hereinafter the “Department”) seeks to enter into a contract with one or more companies that can provide comprehensive polling services that support public engagement processes considering Vermont’s electricity supply. Comprehensive polling should include methods that will engage participants resulting in their being better informed on renewable energy issues in the Vermont context. Ideally, polling results will reflect this process with participant’s opinions exhibiting an understanding of and exposure to energy policy issues.
- 1.2. **CONTRACT PERIOD:** Contracts arising from this RFP will be for a period of two (2) years. The State anticipates the start date for such contract(s) three weeks following the award date.
- 1.3. **SINGLE POINT OF CONTACT:** All communications concerning this RFP are to be addressed in writing to the State Contact listed on the front page of this RFP. Actual or attempted contact with any other individual from the State concerning this RFP is strictly prohibited and may result in disqualification.
- 1.4. **QUESTION AND ANSWER PERIOD:** Any bidder requiring clarification of any section of this RFP or wishing to comment on any requirement of the RFP must submit specific questions in writing no, later than the deadline for question indicated on the cover page of this RFP. Questions or comments not raised in writing on or before the last day of the question period may thereafter be waived. Following the close of the question period a copy of all questions or comments and the Department’s responses will be posted on the Department’s website by end-of-business Tuesday, March 14, 2023 at <https://publicservice.vermont.gov/content/requests-proposals>.
- 1.5. **CHANGES TO THIS RFP:** Any modifications to this RFP will be made in writing by the State through the issuance of an Addendum to this RFP and posted at <https://publicservice.vermont.gov/content/requests-proposals>. Modifications from any other source are not to be considered.
- 1.6. **BUDGET FOR SERVICES:** Proposals in response to this RFP are not to exceed \$150,000 for services under this contract.

## 2. DETAILED REQUIREMENTS AND OUTCOMES:

### 2.1. Introduction and Background

The Vermont Department of Public Service is entrusted with representing the public interest in issues related to energy, as well as other regulated utility matters. The Department serves Vermont’s citizens through advocacy for least-cost, environmentally sound, efficient, reliable, secure, sustainable and safe energy, along with other regulated utility services. Over the last several decades, Vermont has made commitments to increase the renewability of its electric energy supply. To reach those commitments the state has initiated an overarching policy and instituted programs to encourage the deployment of renewable energy, those include:

- Renewable Energy Standard (RES) – Taking effect beginning in 2017, the RES places obligations on the distribution electricity providers to acquire certain amounts of renewable electricity each year based on the retail sales of electricity and reaching 75% of energy coming from renewable resources by 2032.

- Standard Offer – Established in 2009, encouraged the deployment of small-scale (up to 2.2MW) renewable energy projects through a centralized procurement process. 2022 was the final year for solicitations for this program.
- Net Metering – Established in 1999, provides incentives for customers to self-generate from small-scale renewable power sources (up to 500kW) and net generation against energy bills, either directly or as a monetary credit.

In addition to the requirements for the adoption of renewable energy to power the state, Act 153 of 2020 – the Global Warming Solutions Act (GWSA) set statutory requirements for greenhouse gas (GHG) emissions reductions and established the Vermont Climate Council. In 2021 the Climate Council released their Climate Action Plan<sup>1</sup> (CAP), which recommends that Vermont consider an energy standard requiring utilities’ power-supply portfolios be either 100% renewable or carbon-free by no later than 2030.

In early 2022 the Department released its Comprehensive Energy Plan<sup>2</sup> (CEP). The CEP recommends that the State should comprehensively consider, through a transparent and open process, adjustments to both the RES and complimentary renewable programs. Like the CAP, the CEP explicitly states that consideration should be given to both a 100% renewable and/or low-carbon or carbon-free standard.

To implement the recommendations outlined in the 2022 CEP, the Department has initiated a public process to review Vermont’s renewable electricity policies and programs. Throughout this process, the Department seeks to engage directly with the citizens of Vermont, and particularly with those who have historically been left out of the conversations and decision-making processes leading to renewable energy policy.

Through this RFP, the Department is seeking services to facilitate polling services and/or other public engagement methods, as appropriate, to support the Department’s efforts to engage with Vermonters as outlined in the public engagement strategy. Specifically, participants involved in the polling process will have the opportunity to explore their opinions and preferences and share them with other participants. They will be given the opportunity to expand their awareness on the topic(s) making them better informed on how their positions may fit into the broader context. Finally, participants’ opinions and preferences, following the process, will be collected for the Department to include in recommendations to the Vermont Legislature on renewable programs going forward.

## 2.2. Public Engagement Plan Background

The Department commenced the public engagement process with the release of a Request for Input (RFI) in July 2022. The RFI asked for input from the public on three core issues related to the review of policies and programs:

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<sup>1</sup> Full text of the 2021 Climate Action Plan can be found at:

<https://outside.vermont.gov/agency/anr/climatecouncil/Shared%20Documents/Initial%20Climate%20Action%20Plan%20-%20Final%20-%202012-1-21.pdf>

<sup>2</sup> Full text of the 2022 Comprehensive Energy Plan can be found at:

[https://publicservice.vermont.gov/sites/dps/files/documents/2022VermontComprehensiveEnergyPlan\\_0.pdf](https://publicservice.vermont.gov/sites/dps/files/documents/2022VermontComprehensiveEnergyPlan_0.pdf)

- Issue 1 - How should the process to review these programs and policies be structured, in particular:
  - What kind of timeline would be needed to appropriately engage the public?
  - Which stakeholders should be engaged to shape the policy and program recommendations?
  - How the best to engage stakeholders?
- Issue 2 – Which decision criteria should the Department consider and how should they be prioritized for making decisions?
- Issue 3 – What key issues should be considered?

All RFI responses were reviewed with particular focus placed on responses to Issue 1. The Department published a synthesis of the responses received, highlighting several key takeaways:

- The weight of responses supported a longer timeline (12-18 months) to allow for a more inclusive and robust process to bring a broader array of stakeholders to the table.
- Utilizing a variety of public engagement methods could help better understand stakeholder needs and ideas about policy and program changes, including methods like polling or surveys.
- The topic under consideration is complex and comprehensively addressing the issues highlighted in the responses will take time, a shared understanding of terms, and careful scoping of what can be accomplished within the process.

Responses received through the RFI were pivotal in the Department’s development of the Public Engagement Plan<sup>3</sup>, which was released in December 2022. The public engagement plans lays out a three-phase approach to the public engagement while intentionally leaving flexibility to adapt as new ideas about or needs for public engagement emerge throughout the process:

- **Phase 1 – Awareness and Education** (November 2022 – March 2023), will focus on broad outreach, especially to frontline & impacted communities, to raise awareness of this effort and create educational opportunities to build capacity to engage in future conversations. This will include educational webinars and other outreach with identified partners.
- **Phase 2 – Policy and Program Review** (April – August 2023), will focus on reviewing existing programs and policies and developing recommendations for changes through continued stakeholder engagement and supporting technical analyses. Public engagement opportunities are expected to include venues like interactive workshops and surveys or polling.
- **Phase 3 – Recommendations and Reporting** (September – December 2023), will focus on finalizing and drafting recommendations and producing summary reports on the process taken to arrive at those recommendations.

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<sup>3</sup>[http://publicservice.vermont.gov/sites/dps/files/documents/Final%20RES%20Public%20Engagement%20Plan\\_11-29-22.pdf](http://publicservice.vermont.gov/sites/dps/files/documents/Final%20RES%20Public%20Engagement%20Plan_11-29-22.pdf)

Drafts of the documents would be reviewed and revised through public comment periods.

The Department expects the results of the entire process would be published in time to inform the 2024 legislative session.

This RFP seeks proposals to support the substantive policy and program review envisioned in Phase 2 of the public engagement plan. In doing so, the Department will be following the preferences emerging from responses to the RFI regarding formats for the engagement of stakeholders during the comprehensive review process. The responses highlighted interest in different forums and workshops, the attendance of Department staff at events, and written comments as engagement formats that should be employed. The engagement method most often highlighted, however, was “polling” with almost 40% of respondents indicating an interest in this engagement method.

### **2.3. Scope of Services**

The contractor will support the Department’s efforts in public engagement plan for the RES and renewable energy programs comprehensive review through polling services and/or other public engagement methods, as appropriate, that include the following tasks:

- 2.3.1. Recruit a random and representative sample of Vermont citizens for multi-stage polling. Respondents to this RFP should propose an appropriate sample and sampling methodology that provides confidence in results.
- 2.3.2. Perform a baseline poll or questionnaire on topic(s) related to renewable electricity programs and policies in Vermont that indicates participant’s initial knowledge, opinions and attitudes on those topic(s). Polls shall include some socioeconomic and demographic questions.
- 2.3.3. Develop and distribute to participants a brief that offers balanced information on relevant topic(s). Respondents should describe how they propose to develop and deliver the brief, and what entities they expect to engage with in its development.
- 2.3.4. Facilitate moderated discussions for participants where they can share their knowledge, opinions and attitudes on the topic(s) amongst other participants. Respondents should propose the preferred method of conducting these discussions, whether they be in person or virtual. Respondents may consider using contract funds to pay participants for participating.
- 2.3.5. Recruit policy experts with a variety of viewpoints on Vermont’s renewable energy programs and policies to engage with participants and facilitate the engagement of participants with those experts.
- 2.3.6. Facilitate engagement of survey participants with policy experts on the topic(s).
- 2.3.7. Perform a final, comprehensive poll or questionnaire that indicates participant’s opinions and knowledge of the topic(s) following discussions and engagement sessions.
- 2.3.8. Draft and Final Reports describing the processes and the outcomes of the polling services provided.

If completion of all the tasks above is not feasible within the existing budget, please include what addition funds would be required and/or the Department welcomes alternative proposals

for public engagement activities (ex. via interactive workshops, surveys, or other mediums) that would achieve similar objectives.

**2.4. Deliverables:**

- Kickoff Meeting, including proposed workplan – **April 2023**. Revised workplan based on discussions at kick off meeting within 1 week following.
- Bi-weekly meetings with Department staff to discuss the project status, key decision points, and review materials, as relevant.
- Policy brief for survey participants – **May 2023** for Department review
- Engagement Event(s) - **June 2023**
- Draft Report - **July 15, 2023**
- Final Report – **August 15, 2023**

Respondents should indicate if the above timeline is not feasible and propose alternatives as appropriate.

**3. CONTENT AND FORMAT OF PROPOSALS:** The content and format requirements listed below are the minimum requirements for State evaluation. These requirements are not intended to limit the content of a Bidder’s proposal. Bidders may include additional information or offer alternative solutions for the State’s consideration. However, the State discourages overly lengthy and costly proposals, and Bidders are advised to include only such information in their response as may be relevant to the requirements of this RFP.

3.1. The bid should include a Cover Letter and Technical Response and Price Schedule.

**3.2. COVER LETTER**

3.2.1. Confidentiality. To the extent your bid contains information you consider to be proprietary and confidential, you must comply with the following requirements concerning the contents of your cover letter and the submission of a redacted copy of your bid (or affected portions thereof).

3.2.2. All responses to this RFP will become part of the contract file and will become a matter of public record under the State’s Public Records Act, 1 V.S.A. § 315 et seq. (the “Public Records Act”). If your response must include material that you consider to be proprietary and confidential under the Public Records Act, your cover letter must clearly identify each page or section of your response that you consider proprietary and confidential. Your cover letter must also include a written explanation **for each marked section** explaining why such material should be considered exempt from public disclosure in the event of a public records request, pursuant to 1 V.S.A. § 317(c), including the prospective harm to the competitive position of the bidder if the identified material were to be released. Additionally, you must include a redacted copy of your response for portions that are considered proprietary and confidential. Redactions must be limited so that the reviewer may understand the nature of the information being withheld. It is typically inappropriate to redact entire pages, or to redact the titles/captions of tables and figures. Under no circumstances may your entire response be marked confidential, and the State reserves the right to disqualify responses so marked.

3.2.3. Exceptions to Contract Terms and Conditions. If a Bidder wishes to propose an exception to any terms and conditions set forth in the Standard Contract Form and its attachments, such exceptions must be included in the cover letter to the RFP response. Failure to note

exceptions when responding to the RFP will be deemed to be acceptance of the State contract terms and conditions. If exceptions are not noted in the response to this RFP but raised during contract negotiations, the State reserves the right to cancel the negotiation if deemed to be in the best interests of the State. Note that exceptions to contract terms may cause rejection of the proposal.

- 3.3. TECHNICAL RESPONSE.** In response to this RFP, a Bidder shall include the following:
- 3.3.1. Provide details concerning your form of business organization, company size and resources.
  - 3.3.2. Describe your capabilities and particular experience relevant to the RFP requirements.
    - 3.3.2.1. Please describe the anticipated project team’s qualifications, previous experience providing polling services. Highlight experiences related to development of energy policy at the state, provincial, or national jurisdictions. If no such experience, please indicate so.
    - 3.3.2.2. **Approach to Completing the Work:** Please discuss the proposed approach for completing each of the tasks outlined above, including:
      - 3.3.2.2.1. Methods for ensuring representative samples of Vermonters are included in polling/research surveys.
      - 3.3.2.2.2. Methods for recruiting participants, particularly how the approach will ensure appropriate representation of historically marginalized communities.
      - 3.3.2.2.3. How participants will be compensated for their time
      - 3.3.2.2.4. Methods and/or tools anticipated to be used to conduct polling or surveying activities.
      - 3.3.2.2.5. Approach to facilitation of discussions to promote inclusive spaces where all stakeholders feel heard and able to share their expertise and opinions.
      - 3.3.2.2.6. Strategies to ensure materials included in the informational brief (task 3/deliverable 4) will be accessible to a broad array of stakeholders.
    - 3.3.3. Identify the names of all subcontractors you intend to use, the portions of the work the subcontractors will perform, and address the background and experience of the subcontractor(s), as per RFP section 4.3.2 above.
    - 3.3.4. Identify who will serve as the primary point of contact with Department staff.
    - 3.3.5. **Experience Conducting Complex Stakeholder Processes Promoting Diversity, Equity, and Inclusion:** Please describe all relevant experience conducting polling and/or stakeholder processes to promote diversity, equity, and inclusion.
    - 3.3.6. **Capacity to Accomplish the Work:** Please include relevant examples from previous work experience, including at least one example of written work materials, and discuss the availability of project team members to contribute.
    - 3.3.7. **Cost Proposal:** Please include an estimated budget for the Scope of Services detailed above, including cost breakdowns by budget category (ex. Personnel, materials, travel, etc), linking budget items to specific tasks/deliverables.

If submitting an alternative proposal for conducting engagement that meets the objectives of the Department’s public engagement plan, please provide all relevant experience in your Technical Response.

- 3.4. **REFERENCES.** Provide the names, addresses, and phone numbers of at least three companies with whom you have transacted similar business in the last 12 months. You must include contact names who can talk knowledgeably about performance.
- 3.5. **REPORTING REQUIREMENTS:** Provide a sample of any reporting documentation that may be applicable to the Detailed Requirements of this RFP.
- 3.6. **PRICE SCHEDULE:** Bidders shall submit their pricing information in the Price Schedule attached to the RFP.
- 3.7. **CERTIFICATE OF COMPLIANCE:** This form must be completed and submitted as part of the response for the proposal to be considered valid.

#### **4. GENERAL REQUIREMENTS:**

- 4.1. **PRICING:** Bidders must price the terms of this solicitation at their best pricing. Any and all costs that Bidder wishes the State to consider must be submitted for consideration.
  - 4.1.1. Prices and/or rates shall remain firm for the term of the contract. The pricing policy submitted by Bidder must (i) be clearly structured, accountable, and auditable and (ii) cover the full spectrum of materials and/or services required.
  - 4.1.2. **Cooperative Agreements.** Bidders that have been awarded similar contracts through a competitive bidding process with another state and/or cooperative are welcome to submit the pricing in response to this solicitation.
  - 4.1.3. **Retainage.** In the discretion of the State, a contract resulting from this RFP may provide that the State withhold a percentage of the total amount payable for some or all deliverables, such retainage to be payable upon satisfactory completion and State acceptance in accordance with the terms and conditions of the contract.
- 4.2. **STATEMENT OF RIGHTS:** The State shall have the authority to evaluate Responses and select the Bidder(s) as may be determined to be in the best interest of the State and consistent with the goals and performance requirements outlined in this RFP. The State of Vermont reserves the right to obtain clarification or additional information necessary to properly evaluate a proposal. Failure of bidder to respond to a request for additional information or clarification could result in rejection of that bidder's proposal. To secure a project that is deemed to be in the best interest of the State, the State reserves the right to accept or reject any and all bids, in whole or in part, with or without cause, and to waive technicalities in submissions. The State also reserves the right to make purchases outside of the awarded contracts where it is deemed in the best interest of the State.
  - 4.2.1. **Best and Final Offer (BAFO).** At any time after submission of Responses and prior to the final selection of Bidder(s) for Contract negotiation or execution, the State may invite Bidder(s) to provide a BAFO. The state reserves the right to request BAFOs from only those Bidders that meet the minimum qualification requirements and/or have not been eliminated from consideration during the evaluation process.
  - 4.2.2. **Presentation.** An in-person or virtual presentation by the Bidder may be required by the State if it will help the State's evaluation process. The State will factor information presented during presentations into the evaluation. Bidders will be responsible for all costs associated with providing the presentation.



4.3. **WORKER CLASSIFICATION COMPLIANCE REQUIREMENTS:** In accordance with Section 32 of The Vermont Recovery and Reinvestment Act of 2009 (Act No. 54), Bidders must comply with the following provisions and requirements.

4.3.1. Self Reporting: For bid amounts exceeding \$250,000.00, Bidder shall complete the appropriate section in the attached Certificate of Compliance for purposes of self-reporting information relating to past violations, convictions, suspensions, and any other information related to past performance relative to coding and classification of workers. The State is requiring information on any violations that occurred in the previous 12 months.

4.4. **EXECUTIVE ORDER 05-16; CLIMATE CHANGE CONSIDERATIONS IN STATE PROCUREMENTS:** For bid amounts exceeding \$25,000.00 Bidders are requested to complete the Climate Change Considerations in State Procurements Certification, which is included in the Certificate of Compliance for this RFP.

After consideration of all relevant factors, a bidder that demonstrates business practices that promote clean energy and address climate change as identified in the Certification, shall be given favorable consideration in the competitive bidding process. Such favorable consideration shall be consistent with and not supersede any preference given to resident bidders of the State and/or products raised or manufactured in the State, as explained in the Method of Award section. But, such favorable consideration shall not be employed if prohibited by law or other relevant authority or agreement.

4.5. **METHOD OF AWARD:** Awards will be made in the best interest of the State. The State may award one or more contracts and reserves the right to make additional awards to other compliant bidders at any time if such award is deemed to be in the best interest of the State. All other considerations being equal, preference will be given first to resident bidders of the state and/or to products raised or manufactured in the state, and then to bidders who have practices that promote clean energy and address climate change, as identified in the applicable Certificate of Compliance.

4.5.1. **Evaluation Criteria:** Consideration shall be given to the Bidder's project approach and methodology, qualifications and experience, ability to provide the services within the defined timeline, cost, and/or success in completing similar projects, as applicable, and to the extent specified below.

4.5.2. **Complete proposals will be judged by the following criteria:**

- Qualifications of the Project Team
- Experience providing polling services
- Experience conducting complex stakeholder processes with an emphasis on promoting diversity, equity, and inclusion
- Capacity to accomplish the work
- Cost

4.6. **CONTRACT NEGOTIATION:** Upon completion of the evaluation process, the State may select one or more bidders with which to negotiate a contract, based on the evaluation findings and other criteria deemed relevant for ensuring that the decision made is in the best interest of the State. In the event State is not successful in negotiating a contract with a selected bidder, the

State reserves the option of negotiating with another bidder, or to end the proposal process entirely.

4.7. **COST OF PREPARATION:** Bidder shall be solely responsible for all expenses incurred in the preparation of a response to this RFP and shall be responsible for all expenses associated with any presentations or demonstrations associated with this request and/or any proposals made.

4.8. **CONTRACT TERMS:** The selected bidder(s) will be expected to sign a contract with the State, including the Standard Contract Form and Attachment C as attached to this RFP for reference.

4.8.1. **Business Registration.** To be awarded a contract by the State of Vermont a bidder (except an individual doing business in his/her own name) must be registered with the Vermont Secretary of State's office <https://sos.vermont.gov/corporations/registration/> and must obtain a Contractor's Business Account Number issued by the Vermont Department of Taxes <http://tax.vermont.gov/>.

4.8.2. The contract will obligate the bidder to provide the services and/or products identified in its bid, at the prices listed.

4.8.3. **Payment Terms.** Percentage discounts may be offered for prompt payments of invoices; however, such discounts must be in effect for a period of 30 days or more in order to be considered in making awards.

## 5. SUBMISSION INSTRUCTIONS

5.1. **CLOSING DATE:** Bids must be received by the State by the due date specified on the front page of this RFP. Late bids will not be considered.

5.1.1. The State may, for cause, issue an addendum to change the date and/or time when bids are due. If a change is made, the State will inform all bidders by posting at the webpage indicated on the front page of this RFP.

### 5.2. BID DELIVERY INSTRUCTIONS:

5.2.1. **ELECTRONIC:** Electronic bids will be accepted.

5.2.1.1. **E-MAIL BIDS.** Emailed bids will be accepted. Bids will be accepted via email submission to [Christopher.heine@vermont.gov](mailto:Christopher.heine@vermont.gov). Bids must consist of a single email with a single, digitally searchable PDF attachment containing all components of the bid. Multiple emails and/or multiple attachments will not be accepted. There is an attachment size limit of 40 MB. It is the Bidder's responsibility to compress the PDF file containing its bid if necessary in order to meet this size limitation.

5.2.1.2. **FAX OR PAPER BIDS VIA MAIL** will not be accepted.

## 6. BID SUBMISSION CHECKLIST:

- ✓ Required Number of Copies
- ✓ Cover Letter
- ✓ Technical Response
- ✓ References
- ✓ Price Schedule
- ✓ Signed Certificate of Compliance

## 7. ATTACHMENTS:

7.1. Certificate of Compliance

7.2. Price Schedule

- 7.3. Worker Classification Compliance Requirement; Subcontractor Reporting Form
- 7.4. Standard State Contract with its associated attachments, including but not limited to, Attachment C: Standard State Provisions for Contracts and Grants (December 15, 2017)

**CERTIFICATE OF COMPLIANCE**

**For a bid to be considered valid, this form must be completed in its entirety, executed by a duly authorized representative of the bidder, and submitted as part of the response to the proposal.**

- A. **NON COLLUSION:** Bidder hereby certifies that the prices quoted have been arrived at without collusion and that no prior information concerning these prices has been received from or given to a competitive company. If there is sufficient evidence to warrant investigation of the bid/contract process by the Office of the Attorney General, bidder understands that this paragraph might be used as a basis for litigation.
- B. **CONTRACT TERMS:** Bidder hereby acknowledges that is has read, understands and agrees to the terms of this RFP, including Attachment C: Standard State Contract Provisions, and any other contract attachments included with this RFP.
- C. **WORKER CLASSIFICATION COMPLIANCE REQUIREMENT:** In accordance with Section 32 of The Vermont Recovery and Reinvestment Act of 2009 (Act No. 54), the following provisions and requirements apply to Bidder when the amount of its bid exceeds \$250,000.00.

**Self-Reporting.** Bidder hereby self-reports the following information relating to past violations, convictions, suspensions, and any other information related to past performance relative to coding and classification of workers, that occurred in the previous 12 months.

| Summary of Detailed Information | Date of Notification | Outcome |
|---------------------------------|----------------------|---------|
|                                 |                      |         |
|                                 |                      |         |
|                                 |                      |         |
|                                 |                      |         |

**Subcontractor Reporting.** Bidder hereby acknowledges and agrees that if it is a successful bidder, prior to execution of any contract resulting from this RFP, Bidder will provide to the State a list of all proposed subcontractors and subcontractors’ subcontractors, together with the identity of those subcontractors’ workers compensation insurance providers, and additional required or requested information, as

applicable, in accordance with Section 32 of The Vermont Recovery and Reinvestment Act of 2009 (Act No. 54), and Bidder will provide any update of such list to the State as additional subcontractors are hired. Bidder further acknowledges and agrees that the failure to submit subcontractor reporting in accordance with Section 32 of The Vermont Recovery and Reinvestment Act of 2009 (Act No. 54) will constitute non-compliance and may result in cancellation of contract and/or restriction from bidding on future state contracts.

**D. Executive Order 05 – 16: Climate Change Considerations in State Procurements Certification**

**Bidder certifies to the following (Bidder may attach any desired explanation or substantiation. Please also note that Bidder may be asked to provide documentation for any applicable claims):**

1. Bidder owns, leases or utilizes, for business purposes, space that has received:

- Energy Star® Certification
- LEED®, Green Globes®, or Living Buildings Challenge<sup>SM</sup> Certification
- Other internationally recognized building certification:

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2. Bidder has received incentives or rebates from an Energy Efficiency Utility or Energy Efficiency Program in the last five years for energy efficient improvements made at bidder's place of business. Please explain:

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3. Please Check all that apply:

- Bidder can claim on-site renewable power or anaerobic-digester power ("cow-power"). Or bidder consumes renewable electricity through voluntary purchase or offset, provided no such claimed power can be double-claimed by another party.
- Bidder uses renewable biomass or bio-fuel for the purposes of thermal (heat) energy at its place of business.
- Bidder's heating system has modern, high-efficiency units (boilers, furnaces, stoves, etc.), having reduced emissions of particulate matter and other air pollutants.
- Bidder tracks its energy consumption and harmful greenhouse gas emissions. What tool is used to do this? \_\_\_\_\_
- Bidder promotes the use of plug-in electric vehicles by providing electric vehicle charging, electric fleet vehicles, preferred parking, designated parking, purchase or lease incentives, etc..
- Bidder offers employees an option for a fossil fuel divestment retirement account.
- Bidder offers products or services that reduce waste, conserve water, or promote energy efficiency and conservation. Please explain:

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4. Please list any additional practices that promote clean energy and take action to address climate change:

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**E. Executive Order 02 – 22: Solidarity with the Ukrainian People**

- By checking this box, Bidder certifies that none of the goods, products, or materials offered in response to this solicitation are Russian-sourced goods or produced by Russian entities. If Bidder is unable to check the box, it shall indicate in the table below which of the applicable offerings are Russian-sourced goods and/or which are produced by Russian entities.

An additional column is provided for any note or comment that you may have.

| Provided Equipment or Product | Note or Comment |
|-------------------------------|-----------------|
|                               |                 |
|                               |                 |
|                               |                 |
|                               |                 |
|                               |                 |

Bidder Name: \_\_\_\_\_ Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_ Fax Number: \_\_\_\_\_

\_\_\_\_\_  
Telephone: \_\_\_\_\_

\_\_\_\_\_  
E-Mail: \_\_\_\_\_

By: \_\_\_\_\_ Name: \_\_\_\_\_  
Signature of Bidder (or Representative) (Type or Print)

**END OF CERTIFICATE OF COMPLIANCE**





Name of Bidder: \_\_\_\_\_

Signature of Bidder: \_\_\_\_\_

Date: \_\_\_\_\_

**SUBCONTRACTOR REPORTING FORM**

**This form must be completed in its entirety and submitted prior to contract execution and updated as necessary and provided to the State as additional subcontractors are hired.**

The Department of Buildings and General Services in accordance with Act 54, Section 32 of the Acts of 2009 and for total project costs exceeding \$250,000.00 requires bidders to comply with the following provisions and requirements.

Contractor is required to provide a list of subcontractors on the job along with lists of subcontractor's subcontractors and by whom those subcontractors are insured for workers' compensation purposes. Include additional pages if necessary. This is not a requirement for subcontractor's providing supplies only and no labor to the overall contract or project.

| Subcontractor | Insured By |  | Subcontractor's Sub | Insured By |
|---------------|------------|--|---------------------|------------|
|               |            |  |                     |            |
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|--|--|--|--|

Date: \_\_\_\_\_

Name of Company: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail: \_\_\_\_\_  
\_\_\_\_\_

Fax Number: \_\_\_\_\_

By: \_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Failure to adhere to Act 54, Section 32 of the Acts of 2009 and submit Subcontractor Reporting: Worker Classification Compliance Requirement will constitute non-compliance and may result in cancellation of contract and/or forfeiture of future bidding privileges until resolved.

Send Completed Form to: Department of Public Service  
112 State St.  
Montpelier, VT 05620

## STANDARD CONTRACT FOR SERVICES

1. **Parties.** This is a contract for services between the State of Vermont, [REDACTED] (hereinafter called "State"), and [REDACTED], with a principal place of business in [REDACTED], (hereinafter called "Contractor"). Contractor's form of business organization is [REDACTED]. It is Contractor's responsibility to contact the Vermont Department of Taxes to determine if, by law, Contractor is required to have a Vermont Department of Taxes Business Account Number.

2. **Subject Matter.** The subject matter of this contract is services generally on the subject of [REDACTED]. Detailed services to be provided by Contractor are described in Attachment A.

3. **Maximum Amount.** In consideration of the services to be performed by Contractor, the State agrees to pay Contractor, in accordance with the payment provisions specified in Attachment B, a sum not to exceed \$ [REDACTED].00.

4. **Contract Term.** The period of Contractor's performance shall begin on [REDACTED], 20\_ and end on [REDACTED], 20\_.

5. **Prior Approvals.** This Contract shall not be binding unless and until all requisite prior approvals have been obtained in accordance with current State law, bulletins, and interpretations.

6. **Amendment.** No changes, modifications, or amendments in the terms and conditions of this contract shall be effective unless reduced to writing, numbered and signed by the duly authorized representative of the State and Contractor.

7. **Termination for Convenience.** This contract may be terminated by the State at any time by giving written notice at least thirty (30) days in advance. In such event, Contractor shall be paid under the terms of this contract for all services provided to and accepted by the State prior to the effective date of termination.

8. **Attachments.** This contract consists of [REDACTED] pages including the following attachments which are incorporated herein:

Attachment A - Statement of Work

Attachment B - Payment Provisions

Attachment C – "Standard State Provisions for Contracts and Grants" a preprinted form (revision date 12/15/2017)

"State of Vermont – Federal Terms Supplement (non-construction)"

Attachment D - Other Provisions

Additional attachments may be lettered as necessary

9. **Order of Precedence.** Any ambiguity, conflict or inconsistency between the documents comprising this contract shall be resolved according to the following order of precedence:

(1) Standard Contract

(2) Attachment D

(3) Attachment C (Standard Contract Provisions for Contracts and Grants)

(4) State of Vermont – Federal Terms Supplement (non-construction)

(5) Attachment A

(6) Attachment B

List other attachments, if any, in order of precedence

**WE THE UNDERSIGNED PARTIES AGREE TO BE BOUND BY THIS CONTRACT**

By the State of Vermont:

By the Contractor:

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

## ATTACHMENT A – STATEMENT OF WORK

The Contractor shall:

**DELETE THESE INSTRUCTIONS** All State contracts must describe the work to be performed in clear, concise and complete statements. Attachment A of the Standard State Contract should be used to detail the work to be performed or products to be delivered by the contractor. A well written description will include the schedule for performance, identification of project deliverables, deliverable milestones, and standards by which the contractor's performance will be measured. This description of the work may also be referred to as the Statement of Work, Specifications of Work, or Subject Matter. Please refer to Appendix II for further guidance. The deliverables and milestones should be used to inform the payment terms in Attachment B. Attaching RFPs and RFP responses to contracts is not permitted. RFP responses can be long and complicated and may include both unnecessary information and introduce internally inconsistent terms within the contract.

The level of required contract compliance monitoring, if applicable, should be based on the assessment of the risk for delay or failure to deliver the services. In assessing the risk, agencies should consider factors such as: amount of funds involved; contract duration; contract complexity; history of the Contractor with State government; amount of subcontracting involved; and other relevant issues. Whether or not liquidated damages, service credits and/or retainage are part of the contract, the document should include a section that describes specifically how the Agency will monitor the contract for compliance.

Types of compliance monitoring processes and steps may include: (i) periodic contractor reports; (ii) invoice reviews; (iii) on-site visits; (iv) scheduled meetings; (v) audits; (vi) independent performance reviews; (vii) surveys of users/clients; and (viii) post-contract audit or review. This section may also describe a process for identification, discussion, and resolution of disputes between the Contractor and the State, both during the contract duration and after expiration.

**NOTE:** Additional guidance for drafting Attachment A is provided in Bulletin 3.5, Appendix II

## ATTACHMENT B – PAYMENT PROVISIONS

The maximum dollar amount payable under this contract is not intended as any form of a guaranteed amount. The Contractor will be paid for products or services actually delivered or performed, as specified in Attachment A, up to the maximum allowable amount specified on page 1 of this contract.

1. Prior to commencement of work and release of any payments, Contractor shall submit to the State:
  - a. a certificate of insurance consistent with the requirements set forth in Attachment C, Section 8 (Insurance), and with any additional requirements for insurance as may be set forth elsewhere in this contract; and
  - b. a current IRS Form W-9 (signed within the last six months).
2. Payment terms are **Net 30** days from the date the State receives an error-free invoice with all necessary and complete supporting documentation.
3. Contractor shall submit detailed invoices itemizing all work performed during the invoice period, including the dates of service, rates of pay, hours of work performed, and any other information and/or documentation appropriate and sufficient to substantiate the amount invoiced for payment by the State. All invoices must include the Contract # for this contract.
4. Contractor shall submit invoices to the State in accordance with the schedule set forth in this Attachment B. Unless a more particular schedule is provided herein, invoices shall be submitted not more frequently than monthly.
5. Invoices shall be submitted to the State at the following address:



**ATTACHMENT C: STANDARD STATE PROVISIONS  
FOR CONTRACTS AND GRANTS  
REVISED DECEMBER 15, 2017**

**“Attachment C: Standard State Provisions for Contracts and Grants” (revision version dated December 15, 2017) constitutes part of this Agreement and is hereby incorporated by reference as if fully set forth herein and shall apply to the purchase of all goods and/or services by the State under this Agreement. A copy of this document is available online at: <https://bgs.vermont.gov/purchasing-contracting/forms>.**